



City and County of San Francisco

Department of City Planning

## SUMMARY OF COMMENTS AND RESPONSES

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**1661 PINE STREET**

**RESIDENTIAL LIFE CARE FACILITY**

**DRAFT ENVIRONMENTAL IMPACT REPORT**

---

October 1992

89.037E

DRAFT EIR PUBLICATION DATE: JUNE 5, 1992

DRAFT EIR PUBLIC HEARING DATE: JULY 9, 1992

DRAFT EIR PUBLIC COMMENT PERIOD: JUNE 5, 1992 TO JULY 10, 1992

**D**RAFT EIR CERTIFICATION DATE: NOVEMBER 5, 1992

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## SUMMARY OF COMMENTS AND RESPONSES

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### TABLE OF CONTENTS

	<u>Page</u>
A. INTRODUCTION	C&R.1
B. LIST OF PERSONS COMMENTING	C&R.2
C. COMMENTS AND RESPONSES	C&R.4
EIR Process	C&R.4
Draft EIR Public Comment Period	C&R.4
Project Description	C&R.6
Project Location	C&R.25
Project Sponsor's Objectives	C&R.26
Master Plan Policies	C&R.27
Van Ness Avenue Plan	C&R.33
Land Use and Zoning	C&R.47
Height/Bulk	C&R.48
FAR (Floor Area Ratio)	C&R.54
Setting	C&R.56
Demolition of Existing Buildings	C&R.68
Open Space	C&R.71
Historic, Architectural and Cultural Resources	C&R.72
Urban Design	C&R.87
Air Quality and Climate	C&R.96
Wind	C&R.96
Shadow	C&R.105
Transportation	C&R.106
Parking	C&R.124
Loading	C&R.132
Hazards	C&R.134
Population, Housing and Employment	C&R.134
Population	C&R.134
Housing	C&R.139
Gita Hotel	C&R.140
Employment	C&R.145

TABLE OF CONTENTS (Continued)

	<u>Page</u>
Energy	C&R.147
Construction	C&R.147
Cumulative Impacts	C&R.150
Mitigation Measures	C&R.153
Mitigation Monitoring Plan	C&R.159
Significant Environmental Effects	C&R.161
Alternatives	C&R.164
D. STAFF-INITIATED TEXT CHANGES AND ERRATA	C&R.175

LIST OF FIGURES

C&R-1	Pine Street Looking East	C&R.89
C&R-2	Franklin Street Looking North	C&R.90
C&R-3	Franklin Street Looking South	C&R.91
C&R-4	Van Ness Avenue Looking Southwest	C&R.92
C&R-5	Bird's-Eye Vantage Looking North-Northeast	C&R.93
C&R-6	P.M. Peak Hour Turning Movement Counts	C&R.108
C&R-7	Mezzanine Level	C&R.111
C&R-8	Loading Dock Truck Maneuvers	C&R.113
15	Transit Routes in the Project Area	C&R.115
C&R-9	Preferred Commute Bike Route	C&R.120
14	Flow Direction of Streets in Project Area	C&R.121
C&R-10	Garage Level Entry Plan/Garage Level 1/ Location of Bicycle Spaces	C&R.130
C&R-11	Recommended Truck Routes Inbound to Project	C&R.133

LIST OF TABLES

2	Project Relationship to City Planning Code Requirements	C&R.17
C&R-1	Projects Recently Approved in the Van Ness Corridor	C&R.38
C&R-2	1990 Census Data	C&R.137

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## A. INTRODUCTION

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This document contains summaries of the public comments received on the Draft Environmental Impact Report (DEIR), prepared for the proposed 1661 Pine Street Residential Life Care Facility project, and responses to those comments. Also included are staff-initiated text changes and errata.

All substantive comments made at the DEIR public hearing before the City Planning Commission, July 9, 1992, and all written comments received during the DEIR public review period from June 5, 1992 to July 10, 1992 are presented herein by direct quotation, edited to delete repetition and nonsubstantive material only.

Comments and responses are grouped by subject matter and are arranged by topics corresponding to the Table of Contents in the DEIR. Each group of comments is followed by its set of responses; the order of the responses under each topic follows the order of the comments. As the subject matter of one topic may overlap that of other topics, the reader must occasionally refer to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross references are provided.

Some comments do not pertain to physical environmental issues but responses, although not required, are included to provide additional information for use by decision makers.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated into the Final EIR, as indicated in the responses.

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B. LIST OF PERSONS COMMENTING

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Gary Adams, District CEQA Coordinator, Department of Transportation (written comments, July 8, 1992)

Lu Blazej, Director, San Francisco Department of City Planning (public hearing comments, July 9, 1992)

Anne Bloomfield, Representative, Pacific Heights Residents Association (public hearing comments, July 9, 1992)

James J. Boland, Business Representative, International Union of Bricklayers & Allied Craftsmen (written comments, June 22, 1992)

Emanuella Catena, retired medical technologist and researcher (public hearing comments, July 9, 1992)

Kelley Cullen, Franciscan Brother (public hearing comments, July 9, 1992)

John L. Darby, Executive Director Emeritus, Hearing Society for the Bay Area (public hearing comments, July 9, 1992)

Simone Edwards (public hearing comments, July 9, 1992)

Commissioner Frank Fung, City and County of San Francisco Planning Commission (public hearing comments, July 9, 1992)

Sue C. Hestor, Attorney (public hearing comments, July 9, 1992, and written comments, July 10, 1992)

Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition (public hearing comments, July 9, 1992)

Enid Lim, representative, Nob Hill Neighbors (public hearing comments, July 9, 1992)

Charlotte Maeck, President, Pacific Heights Residents Association (written comments, July 5, 1992)



Vincent Marsh, Secretary, Landmarks Preservation Advisory Board (written comments, July 7, 1992)

Charles R. Olson, Attorney, Pettit & Martin (written comments, July 9, 1992)

Robert Palatnik, Stress Management Institute (public hearing comments, July 9, 1992)

Ruth Marie Ponting (public hearing comments, July 9, 1992)

Laurence O. Pratt, Jr., Episcopal Homes Foundation (written comments, July 9, 1992)

Commissioner David Prowler, City and County of San Francisco Planning Commission (public hearing comments, July 9, 1992)

Edgar W. Pye, Resident, St. Paul's Towers (public hearing comments, July 9, 1992)

John Sanger, Attorney, Pettit & Martin (public hearing comments, July 9, 1992)

Martin and Judith Shaffer, Stress Management Institute (written comments, July 9, 1992)

Stan Smith, Secretary-Treasurer, San Francisco Building Construction Trades Council (public hearing comments, July 9, 1992)

Robert Trevorrow, President, The Coalition of Agencies Serving The Elderly (CASE) (written comments May 18, 1992)

Commission President Sidney Unobskey, City and County of San Francisco Planning Commission (public hearing comments, July 9, 1992)

Andrew T. Varlow, Varlow Enterprises (written comments July 3, 1992)

Professor Yuen, Professor Emeritus of Aerodynamics (public hearing comments, July 9, 1992)

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C. COMMENTS AND RESPONSES

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**EIR PROCESS**

**DRAFT EIR PUBLIC COMMENT PERIOD**

**Comment**

"[I] will speak real fast, because this is the first project that has the comment period closed the day of the hearing, so there is no chance to do anything." (Sue Hestor, Attorney)

**Response**

Thirty days is the minimum time allowed for a comment period on a DEIR, such as this one, which does not require State Clearing House Review [per the California Environmental Quality Act (CEQA) and Chapter 31 of the City's Administrative Code]. The public hearing for the DEIR was scheduled for the first City Planning Commission hearing after 30 days from the publication date of June 5. This brought the scheduled comment period to 35 days (from June 5 to July 9). This schedule exceeded all review requirements. It was not the first DEIR prepared in San Francisco that had the comment period close the day of the hearing (for example, one of the most recent DEIR hearings – for the proposed COSTCO project – was held on the last day of public comment). And as per the comment and response noted below, the comment period was extended to allow this commenter the opportunity to submit written comments the following day.

Comment

"Public Comment in writing will be accepted up until 5:00 p.m. tomorrow afternoon."  
(Commission President Sidney Unobskey)

Response

The public comment period was extended until July 10, 1992.

Comment

"I would also like to point out, since the issue was raised, that any written material is in our file. It's a public document. It's a public file, and anyone who would like to review any of the material that was submitted should come to our offices and ask for the file, and they can review the material." (Mr. Lu Blazej, City Planning Director)

Response

The project file number is 89.037E and the address of the City Planning Department is 450 McAllister Street, 6th Floor, San Francisco.

Comment

"Since the public will probably have no solid information until the C&R, I request that a generous amount of time to [go] over the C&R be provided. We want to have sufficient information to give informed testimony." (Sue Hestor, Attorney)

Response

The Draft Summary of Comments and Responses for the City Planning Commission review will be published and distributed two weeks before the CPC hearing on EIR certification.

## **PROJECT DESCRIPTION**

### **Comment**

"I am representing a total of six people over 65 who have indicated an interest in becoming residents of 1661 Pine Street. There are a few people here who are also potential residents, and I would like for them to show their hands.

"We think that the article which appeared in Monday's issue of the Examiner was misleading. Because it was based on the Draft EIR, we request the EIR be clarified to indicate clearly the following: This is a life care facility. It is not a swank condominium. It is not even a condominium. San Francisco land is expensive, the approval process burdensome, and medical costs are rising. The not-for-profit status, diversity in apartment prices, financial assist programs, and experienced administration, with costs shared with other facilities, will help the facility reach as broad a segment of the community as it can.

"A life care facility is unlike any other facility built in San Francisco for over 20 years. This facility will provide housekeeping, utilities, activity programs, three meals a day. It provides all level of medical care, including independent living, personal care, skilled nursing, and physicians on site. For many seniors as we have in this City of San Francisco – and I count myself lucky to be living in this beautiful City, and I would like to keep it this way, but I must say that it is very, very hard for the seniors in this City to find adequate health care, adequate living and so forth.

"The admission to this facility is non-sectarian, non-discriminatory, and many services are available. I think you should know that the activity program that has been put together for this facility will benefit the neighboring communities. Seniors are known as volunteers in many aspects of our community. I can name you 50 friends who work as volunteers in hospitals and libraries and schools. And we feel that it's very important that they stay in the area of Downtown San Francisco.



"The project will not harm anyone. It is most regrettable that there is a divisiveness among the social groups, as was brought out in this newspaper article. The project deserves the support of everyone, and the EIR should be clear on what 1661 Pine Street will do so that it will not be misunderstood by the community and by the press.

"And finally and most emphatically, we are not snobs. Believe me, we have worked hard for the chance to live in San Francisco. We have served it well, hope to continue to do so for years to come. As seniors, we are concerned about security, about loneliness, about health care. And we ask that you give us the opportunity to face the frustrations of aging, which we all face, with the dignity that we do not become burdens to our families or our community. This City has been considering aspects of this project for three and a half years. Please help us to move it forward. With a two-and-a-half-year construction schedule, we cannot wait indefinitely. As a matter of fact, some of us may not be around to enjoy it." (Emanuella Catena)

#### Response

Section 15132 of the Guidelines for Implementation of CEQA states that a Final EIR shall consist of:

- (b) comments and recommendations received on the Draft EIR and . . .
- (d) the responses of the Lead Agency to significant environmental points raised in the review.

This report lists all substantive comments made at the July 9, 1992 public hearing and/or received during the public review period. Those comments that addressed specific environmental issues have responses.

Comments that speak to support or object to the project and/or do not pertain to environmental issues do not require a response. They are included in this document as a public courtesy to acknowledge that the commenter made a statement at the hearing and/or during the review period about the project that did not address environmental

issues as defined by CEQA and the Office of Environmental Review. Most of these non-EIR comments pertain to the commenter's opinion of the project. It is hoped that those commenters will also present those opinions at the public hearing on the Conditional Use application for the project.

#### Comment

"I was the one who was quoted in the article. With all due respect to Mr. Adams, I think we had some misunderstanding, because I didn't ever mention the word 'snob.' I think our concern is more that this project, which we don't oppose – we have concerns about this project.

"So I really want to say, first of all, snobism was not our issue. We do not feel that this project is a bad project or that these are snobby people at all. We support systems and housing and medical care systems for the seniors. I want to make that very clear, especially to the people who are here who might think I don't want their building to ever go up, because that isn't our point.

"Our point is, we think it needs to be relooked at in terms of some of these issues. As I said, it's too massive. It goes lot to lot. For anyone who is walking, even the seniors – one man mentioned he walks around Lake Merritt. Is he going to enjoy walking around his block when literally there is no open space anywhere around him, just a shear wall and a 26-mile-an-hour wind potential? That doesn't sound like a nice experience for either them or other people who come to live.

"So, again, we don't oppose this project. We just think that some considerations toward bulk, height, open space and the livability for the people to live in those buildings, plus the people who live in the surrounding area be looked at very seriously." (Kelley Cullen, Franciscan Brother)

Response

See previous response. Comments and responses relating to bulk, height and open space are found in the Land Use section, beginning on page C&R.47. Comments and responses discussing wind issues are contained in the Air Quality section, pages C&R.96 through C&R.105.

Comment

"We were obviously disappointed to see the comments by some community representatives reported in the San Francisco Examiner newspaper article this week. I wanted you and the Planning Commissioners to realize that we had actually initiated the meeting which apparently led to the article.

"Because the Foundation has long been fully committed to being a part of every community in which it operates, we have been conducting an outreach program to numerous community groups in San Francisco. As a part of this program, I made contact with Sue Hestor who set up a meeting for her declared clients, Joe Kaufman and Kelley Cullen, with respect to concerns of people in the Tenderloin or north of Market area. Although we are not really in that neighborhood, we have sought to reach out to organized groups in all nearby areas, as well as citywide. We seek to support others, not isolate ourselves from them.

"We had what I thought was a very productive meeting with Ms. Hestor, and Messrs. Kaufman and Cullen and followed up with the attached letter. I was, therefore, very disappointed to see them comment to us only through the newspapers, and then in such a hostile manner.

"I wanted you and the Commissioners to have available our letter to Ms. Hestor and her clients so that you would understand both our interest in that community and our reaction to some of their concerns. While we want to do everything we can to be cooperative with every group in San Francisco, we want to ensure that both the Commission and the entire community understand what is and is not possible in a life care facility. We have spent over 25 years to



develop and carry out the complex and successful life care program which we operate. We have a very substantial experience upon which to form an evaluation of what is and is not reasonably possible. We also have our own low-income senior housing project and other programs, in cooperation with the Episcopal Diocese, to serve the less fortunate in San Francisco.

"We anticipate and will work hard to achieve the best of relations with our future neighborhoods in San Francisco. However, we cannot, any more than any other nonprofit organization dedicated to a worthy cause, compromise the basic objectives of our program. We hope that San Francisco will allow us to contribute our resources to meeting the needs of San Francisco's elderly." (Laurence Pratt, Episcopal Homes)

Response

The DEIR has two appendices that address the features of the project: Appendix F: Description of a Residential Life Care Facility (Pages A-67 to A-70); and Appendix E: Life Care Contracts and Financing Structure (Pages A-71 to A-76).

Comment

"I am sort of timid about this sort of thing, but I would like to say something on behalf of the project. It is done in the best taste imaginable. The amenities in the units are excellent. We have examined the Sequoias, my husband and I. We have gone to Spring Lake. We have not seen St. Paul's, but we do feel that the life care that is provided by the Episcopal Foundation is excellent. It has a wonderful track record, and we are all for it. And we sincerely hope that you will okay the environmental report for this wonderful project." (Simone Edwards)

Response

The comment speaks to support the project and does not pertain to environmental issues. It is hoped that the commenter will present these opinions at the public hearing on the Conditional Use application for the project. No further response is necessary.

Comment

"As to the project itself, I have worked for many years on senior housing projects. I worked for the Chinatown Resource Center, who is the body that works along with the Chinese Community Housing Corporation. I am also on the board of the May Lim project in Chinatown. I, myself, have from what I consider about ten years in which I will make the age limit of 72 where I can go into one of these life care projects. Most of them do have an age limit of 72, otherwise you can't get in. And I have looked at these projects a lot, and I think that they are marvelous projects for the seniors. It is not that we are against the concept of the project. We just want to have a better, more-related-to-the-community type project there." (Enid Lim, Nob Hill Neighbors)

Response

The comment pertains to the project and not to environmental issues examined in the EIR. It is hoped that the commenter will present these opinions at the public hearing on the Conditional Use application for the project. No further response is necessary.

Comment

"What is a 'personal care unit' – referred to several times in text? Is this an increase in population beyond the 250 units or merely a temporary relocation space for those in the units? I also assume that the SNF beds will not add to the population, but will merely be relocation spaces for those otherwise in their apartments, and that when a resident is in the SNF, the apartment will remain vacant (if single occupancy). Are those assumptions correct?" (Sue Hestor, Attorney)

Response

The personal care unit is a separate facility in the project with 12 rooms for residents who need additional assistance with daily living skills, physical therapy and other health-related services, and would only accommodate the same people that live in the 250 units as temporary relocation space. No additional population is involved. The Skilled Nursing Facility usually means permanent relocation. If an apartment is occupied by a single person, the apartment is then available for a new resident. If it is occupied by a couple, then it is not.

Comment

"Is the Van Ness entrance a main pedestrian entrance to the building or merely 'facadism' to make it look like there is an entrance? Will it be staffed? What security? This project has the potential to create 'dead' areas along both the Van Ness and Pine frontages due to lack of activity along the front. This creates security and potential police problems. Experience in the Tenderloin and other communities is that a 'walled off' appearance (or reality, if the building is merely tarterd up to 'look' active while it in fact [has] no in/out activity) creates serious problems for residents in the buildings and in the community. A lack of interaction breeds unsafe areas, which in turn keeps people off the street, which makes areas even more unsafe. Even if the residents of the complex are guarded, those outside can be preyed upon if the atmosphere is unsafe. There is no discussion in the EIR how the project will address community as well as tenant safety concerns. Building a fortress-like 'island' does not promote security because the people inside and outside do not know each other and feel responsible for each other." (Sue Hestor, Attorney)

Response

As noted on page 24 of the DEIR, there are four entrances to the proposed building. The entry on Pine Street with the porte-cochere (Figure 3, page 26 of the DEIR) would



serve as the principal vehicular and pedestrian entry, and would be staffed at all times. Both Van Ness Avenue and Franklin Street would have functional entrances that would be expected to be used reasonably frequently by residents. The Van Ness Avenue entrance would be a pedestrian entrance for residents, and would be used primarily when the residents arrive on foot from certain directions. The Austin Street entrance probably would be used primarily by employees. In addition, residents arriving by vehicle also would have access to the building from the parking garage. There would be retail activity on the corner of Pine and Van Ness and along Van Ness Avenue at pedestrian level. The retail entrances would be on Van Ness Avenue.

Indoor space is essential for the elderly, especially in the San Francisco climate. Exterior common area space must be accessible to all residents, including the most fragile in the personal care unit and Skilled Nursing Facility. The proposed project would be similar to other residential projects in the area in terms of access and in the provision of adequate security for its residents.

The proposed building would be constructed so that both the interior areas and surrounding exterior areas may be kept secure for the benefit of the residents and the neighborhood. The entrances on Van Ness Avenue, Franklin Street and Austin Street would be monitored by remote observation devices, and, as noted above, the Pine Street entry would be staffed at all times.

Comment

"(Page 140). Financing for the proposed project was generated by a 1989 State-sponsored bond issue and the funds are waiting for use by the project sponsor." (Charles Olson, Pettit & Martin)

"Page 31 - Why the range in monthly maintenance cost for one bedroom units, etc? Is it based solely on whether there is more than one occupant? The buy-in cost differential should account for the difference in unit size and amenities." (Sue Hestor, Attorney)

Response

Appendix G: Life Care Contracts and Financing Structure (pages A-71 to A-76) discusses the costs associated with the operation of the proposed project. The monthly maintenance costs are established based on a number of factors, including the occupancy and size of a unit. Monthly fees also cover the costs of daily meals, housekeeping, nursing, doctors and other services provided for each resident. Because these costs are based upon the same rate per person, fees may vary based on occupancy. Utility and maintenance costs would vary depending on the size of a unit and the number of occupants. Additional details to the project description do not require a response.

Comment

"(Page 34, line 8). Code citation [is] wrong." (Sue Hestor, Attorney)

Response

On page 34, line 8 of the DEIR is revised as follows:

"Section 243(e)(7)(I)" is changed to "Sections 151, 157 and/or 303 and 304."

Comment

"The Commission discussion of this project in November 1991, in addition to focussing on the Gita Hotel, emphasized the out of scale nature of the project and the unwarranted bulk of the project. It was very clear that a majority of the former Commission would not have approved the bulk of this project nor the loss of so many architecturally significant buildings. How has the project been redesigned to address the concerns voiced at that hearing? Has the project



sponsor determined that it could ignore those concerns because of the shift in administration?"  
(Sue Hestor, Attorney)

Response

The proposed project has been redesigned since November 1991, in large part based on comments by the City Planning Commission and by the Director of City Planning. Since then, the project architect has worked with the Department of City Planning staff to incorporate the design changes discussed below to moderate the perceived bulk of the project.

Although the basic dimensions and bulk of the building have not been changed, the articulation of the project facade has been accentuated to create the impression of seven separate structures, rather than five as originally designed. Facade color variations were also intensified to further create the impression of separate structures. The two-and-one-half-story tall mansard roof replaced the former flat roofs on the east end, and the east and west wings of the proposed building. Offsets on the east and west wings were intensified. Pedestrian entrances and awnings were added to proposed retail and other areas along Van Ness and at the east and west wings of the building along Pine Street to vary the treatment of the facade and add to the pedestrian experience. The changes to the project have not avoided the loss of the architecturally significant buildings (see section on Historic, Architectural and Cultural Resources, pages C&R.72 to C&R.87).

The project sponsor cannot speculate on how the former City Planning Commission would have voted on the redesigned building.

Comment

"There is a general problem of evasion in the EIR as to whether this is a project only for seniors. It has resulted in confusing calculations, tables and qualifications which make it difficult for the public to understand the EIR. The EIR needs to be gone over carefully and all

of these issues resolved before the C&R are prepared . . . Redo all the tables in full if the assumptions in the original tables (not the overlay in the footnotes) are not absolutely correct."  
(Sue Hestor, Attorney)

Response

The proposed project would be for seniors only. It is, however, the responsibility of the Zoning Administrator to classify housing. The project sponsor prefers that the project be considered senior housing because the project would be a residential care facility licensed by the State and admission to the facility is limited to persons 65 years of age or older.

On pages 17 and 19, the DEIR indicates that the project is for the elderly. In footnote 4 of Table 1, page 20 of the DEIR, it is stated that the dwelling units are deemed senior housing.

This distinction could affect whether any portion of the parking proposed for the project would be treated as nonaccessory and attributable to FAR calculations.

Table 2 is revised as shown on pages C&R.17 through C&R.19 to show the Planning Code requirements for off-street parking for senior housing. (The revisions are in the footnotes with new material shaded and deleted material overstruck.)

Comment

"Why is the air intake (page 26) at Van Ness and Pine? Doesn't auto traffic and exhaust make this inappropriate?" (Sue Hestor, Attorney)

TABLE 2  
PROJECT RELATIONSHIP TO  
CITY PLANNING CODE REQUIREMENTS

	<u>Proposed</u>	<u>Code</u>
<u>Floor Area Ratio (FAR)</u> <sup>1</sup>		
VN SUD <sup>2</sup>	7.0:1	7.0:1
NC-3	0	3.6:1
<u>FAR in sq. ft.</u>		
VN SUD	260,100 sq. ft.	260,190 sq. ft.
NC-3	0	32,400 sq. ft.
Total	260,100 sq. ft.	292,590 sq. ft.
<u>Height</u>		
VN SUD	109-130 ft.	130 ft.
Mechanical Penthouse <sup>3</sup>	14 ft.	16 ft.
Volume Reduction	yes	yes
NC-3	130 ft.	130 ft.
Mechanical Penthouse	14 ft.	16 ft.
Roof Dimensions <sup>4</sup>	2,010 sq. ft. or 21.1 %	30 %
Podium	39 ft.	50 ft. max.
<u>Bulk</u>		
VN SUD <sup>5</sup>		
Length	55 ft. above 120 ft. 136 ft. bet. 109-120 ft. 289.75 ft. below 109 ft. along Pine Street.	no fixed limits; 140 ft. diagonal and 110 ft. length above any setback specified by the City Planning Commission
Diagonal	74 ft. above 120 ft. 153 ft. bet. 109-120 ft. 312 ft. below 109 ft.	not lower than 50 ft. along Van Ness Avenue and at any height along Pine Street.
NC-3		
Length	90 ft.	110 ft. above 65 ft.
Diagonal	119.5 ft.	140 ft. above 65 ft.
<u>Dwelling Unit Density</u>		
VN SUD	206 units	no limit
NC-3	44 units	23-45 Units <sup>6</sup>
<u>Unit Size Limit for Non-Residential Uses</u>		
VN SUD	n/a	n/a
NC-3	n/a <sup>7</sup>	6,000 sq. ft.
<u>Off-Street Parking</u> <sup>8</sup>	252 spaces	56 spaces
<u>Off-Street Freight Loading</u>	2 docks	2 docks



TABLE 2 (Continued)

	<u>Proposed</u>	<u>Code</u>
<u>Setbacks</u>		
Van Ness Avenue <sup>9</sup>	20 ft. above 39 ft.	none
Pine Street <sup>9</sup>	2.5 zero to 5 ft.	none
<u>Rear Yards</u>		
VN SUD	30 % (11,000 sq. ft.)	25 % (9,292.5 sq. ft.)
NC-3 <sup>10</sup>	26 % (2,320 sq. ft.)	25 % (2,250 sq. ft.)
<u>Usable Open Space</u>		
VN SUD <sup>11</sup>		
Private	12,850 sq. ft. (82 units)	1,480 sq. ft.
Common <sup>12</sup>	12,070 sq. ft. (124 units)	2,980 sq. ft.
NC-3 <sup>14</sup>		
Private	4,090 sq. ft. (17 units)	510 sq. ft.
Common	1,920 sq. ft. (27 units)	1,080 sq. ft.

1. FAR is equal to the gross floor area as defined by the *City Planning Code* divided by lot area. The project site lot sizes are 37,170 sq. ft. in the VN SUD portion of the site and 9,000 sq. ft. in the NC-3 portion of the site.

2. FAR is shown on the basis that all parking proposed will be required by the City Planning Commission to meet occupant needs pursuant to *City Planning Code* Section 304(d)(2). The dwelling units are deemed senior housing and there could be non-accessory parking causing excess gross floor area. This excess could be approved by the Commission pursuant to Section 304 if deemed a reasonable modification.

3. *City Planning Code* (Sec. 260(b)(1)(J)).

4. Percentage coverage computed based on allowable area of potential roof of 9,526 sq. ft. under bulk controls for E Bulk district (Table 270); alternately, if constrained by lot size, coverage would be 22 percent under same method (*City Planning Code* Sec. 260(b)(1)). Actual bulk of building would produce maximum roof area of 6,750 sq. ft. such that percentage coverage would be 29.8 percent. Alternatively, compliance could be approved pursuant to Sec. 304 in accordance with the same rules applied in the VN SUD portion of the site.

5. In the VN SUD portion of the site, the City Planning Commission may establish a height above which the bulk limits apply. The height may not be less than 50 ft. on Van Ness Avenue. A height of 120 ft. (or alternatively, no height) is proposed to be established for such a purpose for the project.

6. The dwelling unit density in an NC district is governed by the nearest residential zoning district, provided that in an NC-3 district, the dwelling unit density shall not be less than one dwelling unit for each 600 sq. ft. of lot area (Sec. 207.4). For the purpose of calculating the dwelling unit density for the NC-3 portion of the site, the nearest residential zoning district is RM-3 which permits one dwelling unit per 400 sq. ft. of lot area for a total of 22.50 units (Sec. 209.1(k)); this amount may be doubled if occupancy is limited to senior and handicapped citizens (Sec. 209.1(m)). The project sponsor proposes 44 units in the NC-3 portion of the site.

~~The project sponsor must determine whether they will apply for standard housing or senior housing prior to the Planning Commission's consideration of the PUD application. The project sponsor has not yet formally specified whether they are applying for regular or senior housing but have proposed 45 units in the NC-3 portion of the site. Under the PUD application, the sponsor can either request that the residential use be considered senior housing, limit the number of housing units in the NC-3 portion of the site to 44 and request a density increase, or limit the number of housing units in the NC-3 portion of the site to 23 units. See also footnote 8.~~

TABLE 2 (Continued)

7. In the NC-3 portion of the site, an FAR of 3.6:1 is permitted for non-residential uses and each is limited to 6,000 sq. ft. with conditional use approval. Building management, service and circulation space of 5,526 sq. ft., 4,445 sq. ft. of kitchen space, 4,006 sq. ft. of auxiliary dining area, 8,983 sq. ft. of personal care living areas and housekeeping and storage space of 3,316 sq. ft. are considered accessory residential uses. If any were deemed non-residential, the total would not exceed the allowable FAR and each or all could be permitted as conditional uses pursuant to Sec. 304.

8. Six off-street parking spaces would be required for the skilled nursing facility component of the project (*Code* Section 151 for ~~Hospital-Uses Residential Care Facility uses~~). Fifty off-street parking spaces would be required for the residential portion of the project (*Code* Section 151 for senior housing), if the Zoning Administrator concurs that the project is senior housing as intended by the *Code*. ~~Between 50 and 250 off-street parking spaces would be required for the residential portion of the project depending upon whether the project is considered senior housing or regular housing (*Code* Section 151 for dwelling units and senior housing). If the project sponsor files a PUD application for regular housing, the parking requirement for the housing component of the project would be 250 spaces. If the project sponsor files a PUD application for senior housing and the Zoning Administrator concurs that the project is senior housing as intended by the *Code*, the parking requirement for the housing component of the project would be 50 spaces. Because the sponsor proposes to provide 252 spaces, the project would have 196 spaces more than the *Code* requires for senior housing. [*Code* Section 2045 classifies as accessory parking up to 150% of the *Code* required amount, or 87 84 spaces in the case of the project.] The project sponsor will apply for an exception from the *Code's* quantitative parking requirements for more than the required parking. In considering an exception under the PUD application, the project would either have 176 spaces more than the *Code* requires for senior housing or four spaces less than the *Code* requires for regular housing. In either case, the project sponsor will apply for an exception from the *Code's* quantitative parking requirements (for more than the required parking if the project is senior housing or less than the required parking if the project is regular housing). In considering either exception under the PUD application, the City Planning Commission will consider both the quantitative requirements of the *Code* as set forth in Sections 151 and 243, and the adequacy of the parking proposed as set forth in Section 304 and as analyzed in the Transportation Study completed for this project.~~

9. The City Planning Commission may, but need not, require a setback of up to 20 ft. above a height of not less than 50 ft. along Van Ness Avenue if determined necessary to maintain continuity of the prevailing streetwall (Sec. 253.2(1)). The City Planning Commission may require a setback up to 15 ft. at any height along Pine Street in order to preserve an existing view corridor (Sec. 253.2(2)).

10. In the NC-3 portion of the site, the required rear yard must be provided at the first residential level. The proposed project would provide the rear yard at the second residential level. This deviation would have to be approved as part of the PUD pursuant to Sec. 304.

11. The private usable open space requirement is 36 sq. ft. per unit. However, the requirement is 50 percent of 36 sq. ft. for senior housing (Sec. 135(d)(3)). The common usable open space requirement is 24 sq. ft. (18 sq. ft. x 1.33 sq. ft.) per unit.

12. A total of 13,990 sq. ft. of common usable open space would be provided. Units 310, 311, 316 and 317 would share 1,728 sq. ft. of common usable open space on the third floor east terrace; and units 313, 314, 315, 326 and 328 would share 668 sq. ft. of common open space on the third floor south terrace. All units would have access to 11,595 sq. ft. of common usable open space of which 4,411 sq. ft. would be located at the second level terrace, 2,507 sq. ft. would be located on the roof, 2,757 sq. ft. would be a solarium/swimming pool, and 1,920 would be located in the NC-3 portion of the site on the fourth level.

13. The private usable open space requirement is 60 sq. ft. per unit and 30 sq. ft. per unit for senior housing by reference to the nearest residential district, RM-3. The common usable open space requirement is 39.9 sq. ft. per unit.

Source: EIP Associates; Wurster, Bernardi & Emmons; Pettit & Martin.



Response

The air intakes on Pine and Van Ness are for supplying air to the garage levels and not residential spaces. The average height of the intake louvers is 13 feet above the street at Pine Street and 18 feet along Van Ness Avenue. Generally, air intakes for garages are located at the level of the garage entrance openings (about 12 feet). There are both intake and exhaust along the Van Ness frontage. Fresh air to the residential units is pulled down from the roof of the project.

Comment

"Page 29 - for relative scale - what buildings in San Francisco have a similar scale? Residential? Commercial? Give us an example we can relate to and check out." (Sue Hestor, Attorney)

Response

Examples of projects in San Francisco of similar scale are Daniel Burnham Court on Post Street and Van Ness Avenue, Trinity Towers on Polk and O'Farrell Streets, Opera Plaza on Van Ness and Golden Gate Avenues, Museum Plaza on Folsom and 3rd Streets, and Fillmore Center on Post and Gough Streets.

Comment

"This project has been around since at least 1/26/89 when [the environmental] review application [was] filed. How long has the Department been aware of the project? Why did the Department and sponsor keep it a secret from the community for so long? Did sponsor contemplate tearing down rated buildings from the beginning, even before the earthquake?" (Sue Hestor, Attorney)

Response

The project sponsor discussed the proposed project with the Department of City Planning in the "project review" forum on several occasions in 1988. The senior community of prospective tenants have been aware of the project for many years. (Also see response on pages C&R.28 and C&R.29, Master Plan Policies.)

It was the project sponsor's policy to always keep the interested public informed. Legal notice of the project and anticipated project site was published in connection with the Bond Issue for the proposed project in December of 1988. The Episcopal Homes Foundation testified publicly in 1988 on the Van Ness Avenue Plan with respect to the project before the Planning Commission. The proposed project was given City-wide publicity in a feature article on the Van Ness Corridor that appeared in the *San Francisco Examiner* on February 9, 1989. An article about the project also appeared in the March 1989 *Pacific Church News*. A public information hearing was held before the City Planning Commission in November 1991, eight months prior to the DEIR hearing. Presentation of the project was made and comments by the public and City Planning Commission regarding the project were recorded, and the project was modified based on these comments. The Department of City Planning and the project sponsor have fully complied with all public notice requirements and procedures as set forth in the City Administrative Code and CEQA. This project was treated by the City in terms of public notification in the same manner as any other project requiring an EIR and the same types of Planning Code exceptions.

The project sponsor did consider including portions or all of the 1623 and 1629 Pine Street buildings in the proposed project; however, the buildings were acquired by the project sponsor after the 1989 Loma Prieta earthquake. Their damaged condition, in the opinion of the project sponsor, made rehabilitation and inclusion in the project, or independent use, infeasible.

Comment

"Why are entry fees for this project buried in [footnote] at page 117? Give current information on units available and price." (Sue Hestor, Attorney)

Response

In the project description on page 31 of the DEIR, reference is made to the entry fees for the project and Appendix G is cited in the footnote. Appendix G: Life Care Contracts and Financing Structure (Pages A-71 to A-76) discusses in detail the entrance and monthly fees for all types of units. This represents the most current information on the project. CEQA Guidelines Section 15124(c) states that "the description of the project shall contain . . . a general description of the project's technical, economic and environmental characteristics." Specific details such as fees, service charges, and other costs are clearly beyond the scope of an EIR.

Comment

"The EIR does not evaluate the affordability of the proposed units to various income groups. Specifically:

- While the project description identifies expected monthly tenants, the EIR does not disclose what incomes would be required to afford the costs cited.
- The EIR does not disclose whether any units would be permanently designated for occupancy by people with very low, low, or moderate incomes and how many such units would be available at below-market rates.

"One of the fundamental reasons for considering the Van Ness corridor as a suitable site for senior housing when the Van Ness Avenue Plan was initially prepared was to promote construction of affordable housing there. Therefore, the EIR does not assess the extent to which the project would fulfill one of the underlying aims of the Van Ness Avenue Plan." (Nob Hill Neighbors)



Response

In Appendix G (on pages A-71 to A-72) of the DEIR, a profile is provided of the likely residents of the proposed project based on the four other life care facilities that the project sponsor currently operates. With respect to the general accessibility of the proposed project to senior households, studies undertaken in November 1988 by the Crown Research Corporation prior to the issuance of the bonds for the proposed project indicated that there are an estimated 82,000 senior households in San Francisco. Based on income alone, it was estimated that 17,000, or 21 percent, of those households, would qualify for the proposed project, and that based on home ownership, 31,000 or 38 percent, would qualify. Basically, a senior household with a home in San Francisco which has been paid off over time, and possibly with some other savings, plus social security income, can qualify for the less expensive units. Seniors with good pensions from government or other employment having a fairly good pension program could qualify for larger units or could qualify with fewer assets, such as lifetime savings, but no home ownership.

The proposed facility would obviously not be affordable to low-income and very low-income households. The project sponsor has developed and operates two apartment complexes specifically for low- and very low-income seniors (the Presidio Gate Apartments at Lombard and Lyon Streets and the Oak Center Towers in Oakland).

Comment

"(Pages 2-3, 17). The Draft EIR's description of the project fails to discuss its humanitarian aspects. One response to the dilemma facing the elderly is the concept of a life care facility providing a continuum of care which will enable an elderly person to live independently for as long as possible by providing all levels of care during the aging process, including skilled nursing. The proposed project will be one such facility, providing an affordable solution to the housing and health-care needs of a substantial segment of the San Francisco community. By providing housing, meals, recreation and health care services in one location, the life care

community offers an alternative to the downward spiral of catastrophic health care costs, the inability to function independently and the rising cost of housing as one grows older, instead permitting the elderly to move in and out of different levels of care simply and easily, without the risk of traumatizing the person by moving him or her to different facilities. The result of a continuum of care for the elderly is a longer, more active and enjoyable life than under ordinary living arrangements, as part of a community where housing is guaranteed and the unknown future is less threatening." (Charles Olson, Pettit & Martin)

Response

CEQA states in Guidelines Section 15124 that the "Description of the project . . . should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The project description for the proposed project is found on pages 17 to 36 in the DEIR.

Comment

"(Pages 3, 33, 74, 79, 82, 127). The Draft EIR inaccurately states that the proposed project would demolish the seven existing buildings on site. While the proposed project would occupy the entire block bounded by Van Ness, Franklin, Pine and Austin Streets, demolition of some existing structures, in particular 1623 and 1629 Pine Street, would need to occur regardless of the proposed project. These structures, which have been 'red tagged' by the City as unsafe and are subject to orders to repair or demolish, cannot be rehabilitated for any economically viable use. In addition, the Draft EIR should clarify that the one-story building at 1699 Pine Street (the former UNOCAL gas station) was demolished in 1991 due to UNOCAL's decision to close the station and in order to facilitate on-site investigation of soil and groundwater contamination." (Charles Olson, Pettit & Martin)

Response

If the proposed project were to be constructed, all buildings then existing on the project site would be removed. The DEIR states on page 42 that the gas station service building was demolished in 1991.

The project sponsor originally contemplated the need to demolish all or most of the buildings on the site in order to accommodate the proposed project. The project sponsor was considering the possibility of including portions or all of 1623 and 1629 Pine Street in the proposed project, but it became obvious that the use of those buildings either independently or as part of the proposed project was not feasible. Because the project sponsor was not fully aware of the eventual condition of the buildings until after the 1989 Loma Prieta earthquake, it had not reached a final conclusion about those buildings before the earthquake. These buildings were not acquired by the project sponsor until after the earthquake. The project sponsor contends that 1623 and 1629 Pine Street would be demolished independently of the proposed project and has filed applications for demolition of these buildings, as stated on page 74 of the DEIR. However, the City has not deemed that demolition of those buildings is required for safety purposes and thus, at this time, considers the proposed demolition as part of the larger project.

PROJECT LOCATION

Comment

"(Pages 3, 17-18, 37, 39). The Draft EIR fails to state that the proposed project site was an underutilized, economically depressed area prior to the project sponsor's acquisition. The location of the proposed project includes eight parcels which currently contain seven buildings. At the time the project sponsor acquired the proposed site, half of the space was vacant, demonstrating a lack of viability of the uses described in this section and the generally unsuitable characteristics of the existing buildings for such uses." (Charles Olson, Pettit & Martin)



Response

The land uses on the proposed project site and in the adjacent area are described on pages 37 and 38 of the DEIR. It is mentioned that six of the seven buildings on the site are vacant. Vacancy of buildings does not always reflect an economically depressed situation. Other factors could have played a role in businesses vacating, such as anticipated sale of property, the assembly of land parcels in the area for new construction, and plans for increased density or change of land use. CEQA Guidelines Section 15131 states that economic or social effects of a project shall not be treated as significant effects on the environment, thus, the economic condition of the project site may not be relevant to the EIR.

PROJECT SPONSOR'S OBJECTIVES

Comment

"(Page 17). The project sponsor respectfully requests that the following be added to the list of project sponsor's objectives:

Add 'with no differentiation in cost to the resident based on the extent of services needed.' at the end of the first objective.

"Add:

'To reach as broad a segment of the community as it can on a nondiscriminatory, nonsectarian basis, and once a resident has been admitted, to provide its services for life regardless of the resident's health or financial reversals.

'To address compassionately senior concerns about crime, nonproductive time, loneliness and becoming a burden to family or community.

'To link itself and its residents with the community by service and participation in the belief that such interaction will benefit those involved.'" (Charles Olson, Pettit & Martin)

Response

The objectives on page 17 of the DEIR adequately set forth the basic purposes of the project. The reader is informed about the project sponsor and the goals of the proposed project.

MASTER PLAN POLICIES

Comment

"(Page 35). The Draft EIR's discussion of consistency with the San Francisco Master Plan omits any statement that the Master Plan specifically identifies the need for this type of project. Indeed, the Residence Element provides that elderly persons have special housing needs which range from independent senior apartments to more dependent living facilities with central dining, transportation services, limited or complete medical [or nursing] care and recreational and other elderly services." (Charles Olson, Pettit & Martin)

Response

On Page 35 of the DEIR, reference is made to the Residence Element of the Master Plan and Policy 3 of Objective 7 which specifies the elderly as a "special user group."

Comment

"Please go carefully through the Residence Element and the Van Ness Avenue Plan and the Urban Design Plan to discuss policies and objectives that may apply.

"Urban Design

Discuss Major New Development, Policy 6 regarding the relation of buildings to the prevailing scale of development to avoid overwhelming them. The scale of this building will overwhelm the area." (Sue Hestor, Attorney)

Response

As noted on page 35 of the DEIR, the DEIR did not intend to list every conceivable Master Plan policy that may be relevant in some way to the proposed project. (There are 45 policies in the Urban Design Element alone.) Some of the more relevant objectives and policies are included. The City Planning Commission makes the determination of the project's conformance with Master Plan policies. On page 82 of the DEIR, it is stated that the proposed building would be taller and bulkier than many of the buildings in the immediately surrounding area (except for the nearby 26-story Holiday Inn building), and similar in size to some newer buildings within several blocks of the project site (see also Figures 16 to 20, pages 83 to 87 of the DEIR).

Comment

"Similarly, Policy 7 regarding special problems for large properties, which acknowledges that normal FAR standards are for smaller parcels and can result in truly massive buildings unless care is given to large sites." (Sue Hestor, Attorney)

Response

This policy also indicates that the Department give close consideration to urban design planning. The City Planning Department has had the project sponsor redesign the project to address this policy. The City Planning Commission will determine whether the project conforms with Master Plan policies. Zoning requirements, including FAR, are discussed in the DEIR on pages 75 to 78.



Comment

"Policy 8, including the need for frequent and early communication between the developer, the department and interested citizens. The latter have not been involved at any level until very recently – approximately 3 years into the development of the project. Given the high level of public involvement in the Van Ness Avenue Plan from the Tenderloin, Pacific Heights and Nob Hill residents, and given the controversy surrounding several other projects in the Van Ness corridor, it is hard to imagine that the developer or its consultants could have been unaware of the need to involve interested citizens in its discussions. The public – in particular the informed and interested public – has been totally left out of the development of this project until after the project is pretty much 'set in concrete.' This policy is in the Master Plan. Please discuss."  
(Sue Hestor, Attorney)

Response

The project sponsor believes that the very nature of the project requires discussions with those individuals and groups who would be most interested in the project. For over the past three years, the project sponsor has met and discussed the project with merchants in the area, merchants associations, senior service agencies and other agencies serving the elderly, union groups, adjacent neighbors, and property owners and neighborhood groups. The project sponsor has been meeting with seniors in the Pacific Heights area since the inception of the proposed project.

The project sponsor, however, did not believe the proposed project to be within a well-defined neighborhood organization's sphere of interest. For example, the Nob Hill Association indicated to the project sponsor that it had no interest in the proposed project.

Preparation of a DEIR does not mean that a project is finalized or "set in concrete"; a proposed project is often revised during the environmental review and/or subsequent approval authorization process.

Comment

"Residence Element

"Housing Density, Objective 2, Policy 1 - promote compatibility with prevailing neighborhood scale and character. What similar buildings in this immediate area have the scale of this building - bulk plus height. What is it being modelled against?

"Retention of Existing Housing, Objective 3, Policy 7 - a policy to not demolish residential hotels. Discuss.

"Affordability, Objective 7, Policy 2 - include affordable units in larger housing projects. This policy sets a 10% affordability standard. Not only is this project providing zero affordable units, it is in an area which has a substantial population of lower income residents, including seniors, and it demolishes a residential hotel. The replacement housing [has moved] out of the neighborhood. The 10% standard should be looked at as a minimum because of the number of 'variations' being asked for by the project.

"Neighborhood Environment, Objective 12, Policy 6 - modify projects that conflict with the Master Plan or have significant environmental impacts. The bulk of this project is too huge and conflicts with the Urban Design Plan. The wind speeds conflict with the Van Ness Avenue Plan, among other things.

"Accessibility, Objective 13, Policy 5 - requires all large market rate projects to include affordable units. If they cannot be provided in this building because of state law, use part of the site for senior and part for affordable housing, or develop at a nearby site. The work force will also be generating a significant demand for housing." (Sue Hestor, Attorney)



Response

As noted in the above responses, only the City Planning Commission determines conformity or conflict with the Master Plan.

With respect to Housing Density, Objective 2, Policy 1, the DEIR on page 38 provides an indication of the land uses and heights of buildings within a one- to two-block radius around the proposed project. Within a two- to three-block radius, there are structures on Van Ness Avenue that are taller than the proposed project (see Figure 20, page 87 of the DEIR).

Regarding neighborhood scale policies, the building's bulk conforms to City Code, is shown in Table 2 page 21, and is discussed on page 76 of the DEIR. Other structures in the project area that are somewhat similar in scale include: the block-long 9- to 11-story 1258 Post building (slightly smaller in bulk than the proposed project); the block-long 9- to 15-story Daniel Burnham Court on Post Street (approximately the same square footage as the proposed project); the one-third of a block long, 12-story 1388 Sutter Plaza (similar in height but less in bulk than the proposed project); the 11-story 1700 California Street building (same height as the proposed project, but about two-thirds of the bulk); the 26-story Holiday Inn on Van Ness Avenue (twice as high as the proposed project); the 17-story 1835 Franklin Street building (less bulk than the proposed project); and the 11-story 1890 Clay Street building (less bulk than the proposed project).

The Gita Hotel, the "residential hotel" mentioned by the commenter with respect to Retention of Existing Housing, Objective 3, Policy 7, is addressed in this document on pages C&R.140 through C&R.145.

The issue of wind is addressed in this document on pages C&R.96 through C&R.105.

The project sponsor believes that there are several reasons why the affordability policy set forth in the new Residence Element is not applicable to the proposed project: for projects that commenced environmental review prior to the adoption of the policy, applicability is based on a case-by-case review; it may not be applicable to life care facilities or other continuing care facilities licensed by State law, which involve a mix of residences, health care facilities and other services; it may not be reasonably possible to apply affordability policies and criteria to facilities involving a blend of services, such as life care; and it may not have been intended to be applied at all to projects operated by nonprofit organizations for greater public benefit.

The proposed project would provide senior housing. The project sponsor is also the major contributor to the Canon Kip low-income housing project in San Francisco, and developed and operates Presidio Gates Apartments, a low-income senior housing complex, in San Francisco.

#### Comment

"I will tell you a generic issue. And that is the selectivity of looking at the policies in the Master Plan, because if I read the Master Plan Residence Element policies, there are lots of problems in this project that aren't even in here, and I will put them down in writing because there are, as people pointed out, imperfectly, perhaps, in an EIR context, several of the speakers – but what they were trying to say, is there are neighborhoods, and the effects on those neighborhoods are required to be measured by the Master Plan, and it needs to be discussed in the EIR. And the neighborhoods are generally lower income neighborhoods, especially Polk Gulch and the Tenderloin, which are going to feel the impacts of the project." (Sue Hestor, Attorney).

#### Response

The DEIR addresses the Master Plan on pages 35 and 36, and identifies the more relevant objectives and policies. There are several hundred policies in the Master Plan

that may be relevant in some way to the proposed project. To discuss each one in depth in an EIR would not be useful or appropriate. Also see other responses in this section.

Comment

"The lack of relationship with the street should be discussed in the context of [the] Master Plan."  
(Sue Hestor, Attorney)

Response

The proposed project provides retail space on Van Ness Avenue, which is identified on page 35 of the DEIR. (Additional retail space may be added to the project. See Staff-Initiated Text Changes, pages C&R.178 and C&R.179.) A general discussion of Master Plan policies is found on pages 35 and 36 of the DEIR. The project provides a porte-cochere that is about 25 percent of the Pine Street frontage. The library, music room, and coffee shop also front on Pine Street. Awnings, landscaping, retail spaces, doorways and display windows would enhance the proposed project's relationship to the street.

VAN NESS AVENUE PLAN

Comment

"This is also tiered from the Van Ness Avenue Plan FEIR, but if you look at that description on Page 1, you will notice that this is not even a soft site in the Van Ness Avenue Plan. This site was not considered a developable site, a high priority developable site.

"Page 1, first paragraph of the text. It talks about soft sites. And those of us who went through the Van Ness Avenue Plan knew that was the terminology that the department used for what they projected where would be where the development would occur.

"And one of the reasons why they didn't project that development would occur on this site is that there was a presumption in the Van Ness Avenue Plan against destruction of rated buildings



and against destruction of SRO's and affordable housing. And so, you are starting with a project that is going against the assumptions of the Van Ness Avenue Plan. And that's what that paragraph is saying here, that soft site thing. It's very oblique, but that is what the issue is.

"The other thing that the Van Ness Avenue Plan talks about, the projects have to meet certain standards on wind. What those of us who sat through several approvals know is that every project comes in, and it gets its exceptions, which is the code word in the Planning Code for variations for bulk, length, wind, shadow.

"We would like a description of all of the projects that have come through in the Van Ness Avenue Plan and every single one of those variations that has been granted, because our presumption, based on history, is that the Van Ness Avenue Plan FEIR is no longer a valid document in terms of its explanation of things, like wind and shadows and bulk, because everyone gets a variation. And you cumulatively have gone way beyond what the Van Ness Avenue Plan said was going to happen. And this project goes so outside the limits of the Van Ness Avenue Plan, it's a good illustration of it.

"This project was not considered a site for high potential of development in the Van Ness Avenue Plan (pages 1 and 73).

"There is discussion in passing on page 1 and later in the main text that this was not a 'soft site' in the Van Ness Avenue Plan; i.e., one that was likely to be developed pursuant to the Van Ness Avenue Plan standards in at least the first ten years of the Plan. I believe that to mean that because of the difficulties with rated buildings and an SRO, the department did not believe it could be easily developed. Please consult with Paul Lord and others who have records and explain in clear language why this was not considered a soft site, delineating the problems at the site that conflict with Plan policies. Further, provide information on what assumptions were made in the Plan regarding the size of sites to be developed in one massive building and the overall scale limit at the maximum of projects to be developed. Was it contemplated that such



a huge site would be developed at such a massive scale. This information should be in the EIR as part of the discussion of how the project addresses the underlying planning context. It is an environmental issue and must be in the EIR – not merely the staff report which is available at the last minute and not really ever subjected to the lengthy analysis done in the EIR. It is extremely frustrating to the public when the EIR omits policy-driven issues on the grounds that they are not 'environmental.' So long as CEQA requires discussion of zoning, master plans and land use context, these planning issues must be discussed." (Sue Hestor, Attorney)

Response

This DEIR is not tiered from the Van Ness Avenue Plan (VNAP) EIR. On page 1 of the 1661 Pine Street DEIR, it is clearly stated that this site was not considered a soft site in the VNAP FEIR and " . . . therefore requires its own environmental review." Some assumptions, analysis and information in the VNAP FEIR are used in the 1661 Pine Street EIR where relevant.

In order to rationally analyze impacts which could result from the Van Ness Avenue Plan and rezoning (which, by itself, did not propose or cause development and associated physical impacts to occur), a "soft site" methodology was used to estimate the maximum reasonable development potential in the Plan area by the year 2000. The VNAP FEIR's impact analysis was based on that overall level of development.

As discussed on pages 58 to 60 of the Van Ness Avenue Plan FEIR, soft sites are defined as those with structures constituting less than 60 percent of the site's allowable building area given the proposed FAR under the Van Ness Avenue Plan, or which have low-intensity commercial activities. Under the above assumptions, the project site could have qualified as a "soft site." However, the block was not considered susceptible to new development in the near future due to other factors: the assumption that all designated "significant buildings" would be retained (Van Ness Avenue Plan FEIR, C&R-24); the Department of City Planning's understanding of the intentions of the

individual owner's of the sites constituting the proposed project site at the time (page 59); the existence of residential units on the block; the fact that the western-most parcel on the block (containing almost one-fifth the site area) was not within the Van Ness Avenue Plan rezoning area; and probably, the anticipated difficulty that would be encountered in assembling such a large number of parcels under different ownerships and in different uses. As discussed in the VNAP FEIR (C&R-25), some of the non-soft sites, such as 1661 Pine, may actually be developed and some of the soft sites that were designated in the Van Ness Avenue Plan FEIR may never be developed.

The Van Ness Avenue Plan FEIR did not purport to foresee the exact potential development of all the precise soft sites and was never intended to be site specific in terms of environmental analysis. The discussion of potential environmental effects was for the aggregate, overall level of potential cumulative development along Van Ness Avenue, a level of analysis consistent with the general nature of an Area Plan and its implementation. The VNAP FEIR did not assert that non-soft sites would be restricted and not developed.

The Van Ness Avenue Plan FEIR (page 61) anticipated 27 buildings containing 2,189 net new dwelling units and 383,000 net new square feet of office space in the 12-year period 1988 to 2000. An examination of what has been built to date shows that the amount of development occurring falls short of forecasted projections. The actual new development through the end of 1992 (as shown in Table C&R-1, pp. C&R.38 and C&R.39), a five-year period, is 922 dwelling units in eight buildings and negligible office space (excluding 1700 California and Daniel Burnham Court, which were existing at the time the VNAP FEIR was done). Prorating the VNAP FEIR anticipated buildout ( $5 \div 12$  years) yields 912 dwelling units and 160,000 square feet of office space in 11 buildings. Actual residential and office development in the Van Ness Avenue Plan Avenue Plan area is consistent with projections in the Plan, even with the proposed project. The proposed project, if approved, would bring the total to 1,172 dwelling units in nine buildings.

The VNAP FEIR assumed full buildout of each soft site. The VNAP FEIR worst case analysis assumed that each soft site would be developed to the maximum height, FAR and bulk planning and zoning limits, although it was not anticipated that the proposed project site would be developed. The kinds of relatively minor exceptions to Code requirements that have been granted to date do not invalidate the cumulative impact analysis of the VNAP FEIR, particularly considering that fewer buildings have been approved to date compared with Plan assumptions.

The proposed project site is 46,170 square feet (a full one-half block) and is equalled in size by one of the 27 VNAP FEIR soft sites. There are three other soft sites in the VNAP FEIR between 33,000 and 46,000 square feet. Three of the 27 VNAP FEIR soft site buildings were projected to be larger than 250,000 net square feet (the proposed project is about 260,000 net square feet).

The shadow analysis undertaken in the Van Ness Avenue Plan FEIR is illustrative of general shadowing effects expected from the maximum size buildings allowable under the Plan and is still valid. As noted on page 69 of that FEIR, wind speeds and shadows would increase locally in the vicinity of tall buildings built under the VNAP. The minor variations in some approved building sizes that constitute exceptions to Plan provisions have marginal effects on wind and shadow conditions and thus do not invalidate the VNAP FEIR.

Please see Table C&R-1, pages C&R.38 and C&R.39, for information regarding projects recently approved in the Van Ness Corridor.

#### Comment

"(Page 35, last objective). Includes language 'relates to human scale' – this is not mentioned in summary of 'response' on next page. Perhaps because the scale of this project is so monu-



TABLE C&amp;R-1

Projects Recently Approved  
in Van Ness Corridor

<u>Project Name/ Description</u>	<u>Date of Approval</u>	<u>Height</u>	<u>Bulk</u>	<u>Parking Spaces</u>	<u>Uses</u>	<u>Additional Setbacks</u>	<u>Affordability Restrictions</u>	<u>Wind Factors</u>	<u>FAR</u>	<u>Planning Code Exceptions</u>
1. 650 Van Ness -- Residential units w/ground floor retail 14 Story - 1 Tower (CU/PUD) 130-V Height & Bulk	5/2/91	130'	311' length 324' diagonal	228	222 units 7,200 sf retail	None required	10% of units must be affordable (BMV)	No exception required	No exception required	Bulk, dwelling unit exposure, freight loading, and rear yard
2. 1901 Van Ness -- 2 Tower mixed use 8 Story (48' space between towers) (CU/PUD) VNSUD - 80-D Height & Bulk	1991	80'	114' length 136' diagonal	286 (CU for 34 nonaccessory spaces)	163 units 5,700 sf retail	None required	Conditions: six units must be BMV; must offer 20% down for ten units as a joint investment.	Conditions: Within one year of construction, test wind speeds in common area. If criteria not met, install wind shields.	No exception required	Bulk and rear yard (Demo of 12- unit Holiday Lodge per 243 (C)(7)(H))
3. 1700 Van Ness -- Alteration of existing 40' auto showroom (Contrib. Bldg' under Master Plan) (CU) RC-4/80-D Height and Bulk	7/20/89	80'	Not described in CU approval	73	51 units 9,950 retail	None required	Provide 9 1/2% interest only loans for 10% of price to qualified first time buyers.	Project found to not exceed ground level comfort criterion.	4.3:1 (excl. parking) (4.5:1 Permitted)	Bulk
4. 1700 California -- mixed use residential, retail & office 11-story C-2/130-E Height & Bulk	8/83	130'	221' length ? diagonal		47 units 84,000 gsf office 8,750 gsf retail		No exception required	No exception required	(Redesigned into one structure w/2 separate masses)	Rear yard & bulk (Orig. design had 2 towers, but blocked Cal. Street view corridor)

(Redevelopment Agency project not subject to Planning Code Requirements)

6. 1000 Van Ness -  
13-Story/8-Story  
Res./Retail

218 units  
49,000 sf  
retail

7. 1445 Sutter/  
1336 Post  
14-Story NC-3/130-E  
Height & Bulk

164 Condos  
30,000 sf  
grocery store

8. 790 Van Ness -  
4-story mixed use  
(CU) C-2/VNSUD,  
130-V Height & Bulk

18 units  
4,500 gsf  
retail

9. 1650 Jackson  
9-story  
(CU) 80-D Height &  
Bulk/RC-4

69 units  
1,400 gsf  
retail

10. 900 Van Ness -  
6-Story Mixed use  
(CU) VNSUD/RC-  
4/130-V Height &  
Bulk.

17 units  
4,800 sf retail

mental. This project because of its mass will loom over pedestrians and because of the wind problems created or worsened, will make for unpleasant walking along Van Ness and other streets. There are no renderings showing how a walker will perceive the building from various directions – this should include indications of how the winds will also affect that same pedestrian." (Sue Hestor, Attorney)

Response

It is the policy of the City Planning Commission to encourage the use of photomontages rather than artistic renderings as a more objective view of a project. The photomontage Figures 16, 17, 18 and 19 (pages 83 to 86 respectively in the DEIR) were included to provide an indication of the views of the project to pedestrians. All photographs were taken at the pedestrian level. The discussion of wind effects generated by the proposed project are found on pages 96 to 98 and A-57 to A-61 in the DEIR and on pages C&R.96 through C&R.105 in this document.

Comment

"(Pages 4, 36, 41, 43). The Draft EIR should note that Objective 11, Policy 1 of the Van Ness Avenue Area Plan also states in pertinent part that 'demolition [of historically and architecturally significant buildings] should be discouraged unless it is clearly established that the building has been rendered unsafe and unoccupiable and infeasible for rehabilitation due to fire, earthquake, or similar circumstances, or that substantial and irretrievable physical deterioration has occurred.' This policy is directly relevant to the 1623 and 1629 Pine Street buildings, which have been rendered unsafe and unoccupiable and are demonstrably infeasible of rehabilitation for any future occupancy." (Charles Olson, Pettit & Martin)

Response

As noted in the DEIR on pages 35 and 36, the City Planning Commission makes the determination of the proposed project's conformance or conflict with the Master Plan.



The City Planning Commission will consider the engineering and feasibility studies submitted by the project sponsor which contend these buildings are unsafe and cannot be feasibly rehabilitated.

Comment

"(Van Ness Avenue Area Plan; DEIR pages 35-36). Re. Objective 6: PHRA disagrees. The proposed project would NOT 'develop architecture whose scale, composition and detailing enhances the overall design structure of the Avenue and relates to human scale.' The scale of the proposed project is especially questionable [see comments under 'Bulk']. The 'human scale' is also questionable on Franklin Street, where the proposed elevation shows an entrance, but the proposed floor plans show no door (compare page 30 with pages 25-27)." (Charlotte Maeck, Pacific Heights Residents Association)

Response

See response to comment on pages C&R.12 and C&R.13 with respect to entrances at the proposed project. The building would have entrances on all four sides. As explained on page 36 of the DEIR, "The Planning Commission will specifically determine the extent to which the project conforms and/or fails to conform with the Master Plan." This determination is not made in an EIR or through the environmental review process.

Page 36, third paragraph: Lines 2, 3 and 4 are revised as follows: delete "and would develop architecture whose scale, composition and detailing enhances the overall design structure of the Avenue and relates to human scale (related to Objective 6)."

Comment

"Re. Objective 7, Policy 2: The proposed project would expose half of the measured locations in open space areas to wind speeds over the seated comfort level of 7 miles per hour." (Charlotte Maeck, Pacific Heights Residents Association)

Response

The three locations in the upper level private open space shown in Figure D-1 (page A-6) of the DEIR that would have wind speeds above the public seating comfort criterion are not ground level public seating areas and are, therefore, not subject to the limitation in Planning Code Section 243(c)(8)(A). Additionally, wind conditions could be improved by arranging the seated areas and landscaping. The wind levels are well below the hazard standard (26 mph) that would constitute a significant effect, thus, measures to improve wind conditions would be more appropriately considered at the Conditional Use hearing for the approval of the project than as part of the EIR process..

The Van Ness wind policy provides for reduction of wind speeds exceeding the 11 mph comfort criterion where possible. Reduction in wind speeds below the comfort criterion of 11 mph in the Van Ness Special Use District (VN SUD) does not appear possible for the proposed project.<sup>1</sup> (See section on Wind, pages C&R.96 to C&R.105.) Planning Code Section 243(c)(8)(B) allows an exception to the wind speed criteria if it can be demonstrated that the criteria cannot be achieved without "unduly restricting" potential development of the site.

Comment

"Re. Objective 5, Policy 4: The proposed project would impact the existing view corridor looking north up Franklin Street to the First Church of Christ Scientist. This view is especially enjoyable to drivers on Franklin Street. (The photomontage on page 84 is taken from the western edge of the Franklin Street sidewalk and therefore does not give the drivers' perspective.)" (Charlotte Maeck, Pacific Heights Residents Association)

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<sup>1</sup>Don Ballanti, Certified Meteorologist, telephone conversation, October 1, 1992.

Response

The view corridor referred to by the commenter would not be blocked; however, the proposed project would be visible to pedestrians and vehicle occupants traveling on Franklin Street.

Comment

"Re. Objective 1: The proposed project would not continue existing commercial use of the Avenue; it would replace several medium-to-large-scale existing commercial uses which are publicly accessible. (The floor plan on page 26 shows each store to be about 38 feet along Van Ness and 20 feet deep.)" (Charlotte Maeck, Pacific Heights Residents Association)

Response

The proposed project would continue retail uses along Van Ness Avenue, although the amount of ground floor retail space could be reduced by up to 1,850 square feet. Retail space at the site has been vacant for two years. (See Staff-Initiated Text Changes, pages C&R.178 and C&R.179.)

Comment

"Next of all, I object again to the overall project of the Life Care Facility. It violates the spirit and core of the VAN NESS CORRIDOR PLAN, and would be an overshadowing monolith that will block our daylight and consume what little parking remains." (Martin and Judith Shaffer, Stress Management Institute)

Response

Shadow analyses of the proposed project are found on pages 90 to 96 of the DEIR. The discussion of the proposed project's parking impacts is found on pages 108 to 112 of the DEIR and on pages C&R.124 through C&R.132 of this document.



Comment

"We have concerns about the Van Ness Avenue Plan, as has also been expressed to you.

"The Van Ness Avenue Plan, in general, we find, is going to build a 13-story wall from McAllister to California Street. This project, in particular, as mentioned, goes beyond the bulk. It's lot to lot. It takes the whole block. There is no open space at the street level. It is a kind of project that we don't feel helps the people who live in it, nor does it actually improve the area.

"As more buildings get put up on Van Ness, again, perhaps exempted in terms of bulk and massiveness and going lot to lot, that wind factor is only going to increase. We have a concern about how that wall would gentrify, not only the Tenderloin, as mentioned in the article, but really on the west side of Van Ness.

"I don't know if people are aware that the Dolphin Hotel, which is right across from the Shell station on Turk, is now on the market for five million dollars. And part of that is because Van Ness can be built as a major high-rise condominium, and this is not a condominium. This is a good project. Still major high rise projects are going to gentrify the Tenderloin, Polk Gulch, Hayes Valley, potentially, and some of the Pacific Heights area." (Kelley Cullen, Franciscan Brother)

Response

See discussion on pages C&R.96 through C&R.105 for wind issues and on pages C&R.57 and C&R.58, and C&R.134 through C&R.138 with respect to the demographic characteristics of the area. The comment generally refers to the adopted Van Ness Avenue Plan and not the environmental impacts of the proposed project. The impacts of cumulative development under the VNAP are described in the VNAP FEIR.

Comment

"This building is part of the Van Ness Avenue Plan, so it's also appropriate to consider for a second the cumulative effect of the Van Ness Avenue Plan, especially as it concerns the eight or nine blocks that go from McAllister to Post and Sutter into the Tenderloin.

"The main thing is . . . you write the Van Ness Avenue Plan, and maybe you put in certain codes or strictures, but having been here many times, and watched 650 bring it back to the drawing board. It comes back the same way. They improve it. In other words, what they are saying is, like, 'We want to retain in the Van Ness Avenue Plan the significantly rated buildings.'

"And we had a conversation with the developer, but then what will happen is, he will say, 'Well, you know, it has to be demolished.' And then the Van Ness Avenue Plan is written to retain the buildings, but always the developer will get to demolish them. So, one wonders, is it lip service in the plan?

"And then, 'Well, we have to do it – the developer – to get the project.' Why do you put it in the plan for? Maybe because the law requires it, but are you going to adhere to it? You never seem to. The Commission never seems to. The developer just says, 'We have got to demolish it.'

"Now, you have to adhere to that. It's his problem. Those buildings are significantly rated. They contribute, as it says in the EIR, to the Van Ness Avenue Plan. Never mind. It's the developer's problem. He has got to keep them and make a way around them for the project, or else what's it there for?" (Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition)

Response

See the discussion of the Van Ness Avenue Plan policies in the previous responses, and 1623 and 1629 Pine Street buildings on pages C&R.24 and C&R.25, and C&R.68 through C&R.72.

Comment

"Now, according to Proposition M – here's where you get to the cumulative effects of the Van Ness Avenue Plan on the Tenderloin – it says here, 'Protection of neighborhood character, preservation and enhancement of affordable housing.'

"Let me give you a quick illustration. When the Ramada went up, which is now the Park 55 – and we lobbied hard, and they threw us the pittance there. First, Feinstein said 42 hotels would be rehabilitated. Then it was 21. Then it was 12. Then it was four. And she got Joe Blersch and Gene Cato, the unscrupulous developer, and non-profit just got a hold of those hotels. One of them for ten years has been empty. If the non-profit didn't, then nothing would happen, and the thing is that what happened was in the preservation, as soon as the ink was dry on the contract – to show you the domino effect of the Van Ness Avenue Plan is what I am illustrating – as soon as the ink was dry with the good faith clause, Leslie Jacobs went and bought the options on the next block, which would have destroyed all the housing. It was a good faith clause. In other words, preservation on the next block would have been destroyed.

"Now, what happens here is when the eight blocks of the Van Ness Avenue Plan, including this project, which is cumulative – 600, 650, Taldan wants his 13 stories . . . . Right off, the Tenderloin gets a wall, domino effect the next block. He say, 'Well, you know, those people are big money up there. I can get rid of small business. I can raise the rents. I can throw people out.'

"So the preservation of the main neighborhood from this project and the Van Ness Avenue Plan is threatened just like when Jacobs went to buy the next block to throw people out as soon as



the ink was dry. So there is violation of right." (Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition)

Response

See comments and responses with respect to demolition of 1623 and 1629 Pine Street on pages C&R.24 and C&R.25, and C&R.68 through C&R.72. Land use discussions in the DEIR are found on pages 3, 37 to 39, and 73 to 75 of the DEIR. Cumulative effects of development under the VNAP are discussed at length in the VNAP FEIR (pages 57 through 137).

**LAND USE AND ZONING**

Comment

"We were very instrumental in the original discussions on Van Ness Avenue and the corridor, and the way it was configured. And in the five years that it has been in effect, we have been very disappointed in what has come on the board. And we, as a matter of fact, just recently had a meeting with Mr. Lu Blazej and asked if we could revisit the Van Ness corridor. And when he said that he didn't have staff to do it, we volunteered ourselves to do some work. And I am not looking forward to the chore, but I think it is one that needs to be done.

"What we are concerned about is the effect that it will have on the neighborhood because of its height and density and the fortress-like – and that's all I can say that it's like a fortress.

"I go into the Presbyterian Sequoias, which was one of the first life care facilities here in the City.

"I live on Polk Gulch. I live right on Jackson and Polk. I know of the Sequoias because I am a Presbyterian. I have been very involved in housing, and I go into the Sequoias a lot. I hate to say it, but it's like a mausoleum." (Enid Lim, Nob Hill Neighbors)

Response

As noted in other comments and responses, the proposed project is intended by the project sponsor to provide a livable environment to the residents and avoid a "fortress-like" impression. See response to comment on pages C&R.12 and C&R.13, and C&R.15. Design changes are still being made to the facade to respond to community and City Planning concerns about the bulk of the project and street level activity and interest.

HEIGHT/BULK

Comment

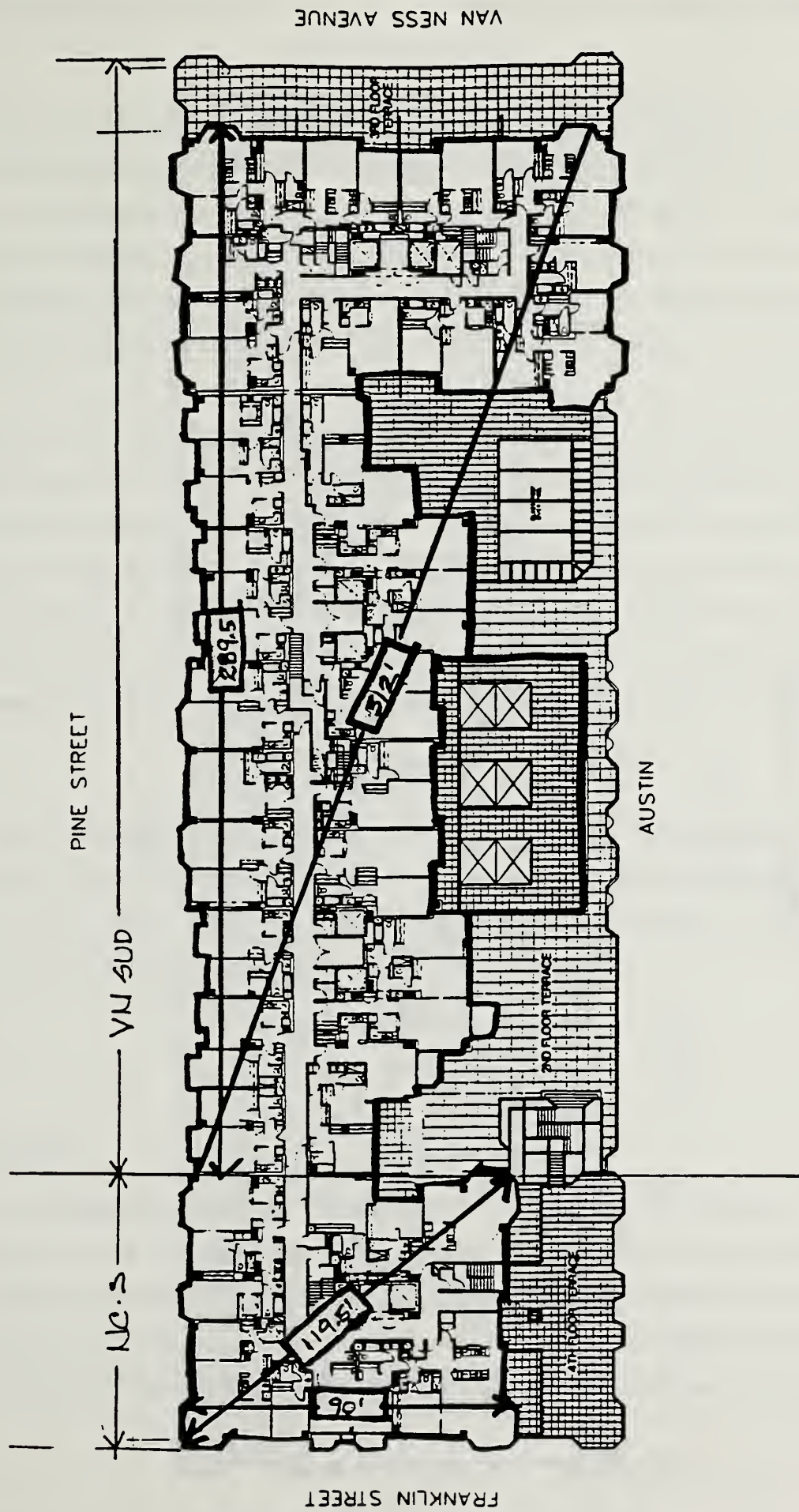
"I want you to realize that this project is within the usual boundaries of Pacific Heights Residents Association. When we were founded 20 years ago, the Planning Department asked us to take in the area from Van Ness to Presidio and from Union to Bush. This is within that area. So, naturally, we are concerned.

"You will notice that our first comment, and probably the most important one, is about the bulk.

"Now, the last three pages are figures, and I would like to ask you to look at Figures 1 and 2 [pages C&R.49 and C&R.50]. In the description of bulk in the DEIR, it says – and we certainly agree – that this project is in two different zoning districts. One district is along Franklin Street and is about maybe a quarter or less of the whole site, and all the rest of the site is in the Van Ness Special Use District. But then, when the report goes to measure, talk about the built measurements, it does what is on our Figure 1. That is, it considers the Franklin part as if it were a completely separate building and the Van Ness part as if it were a completely separate building.

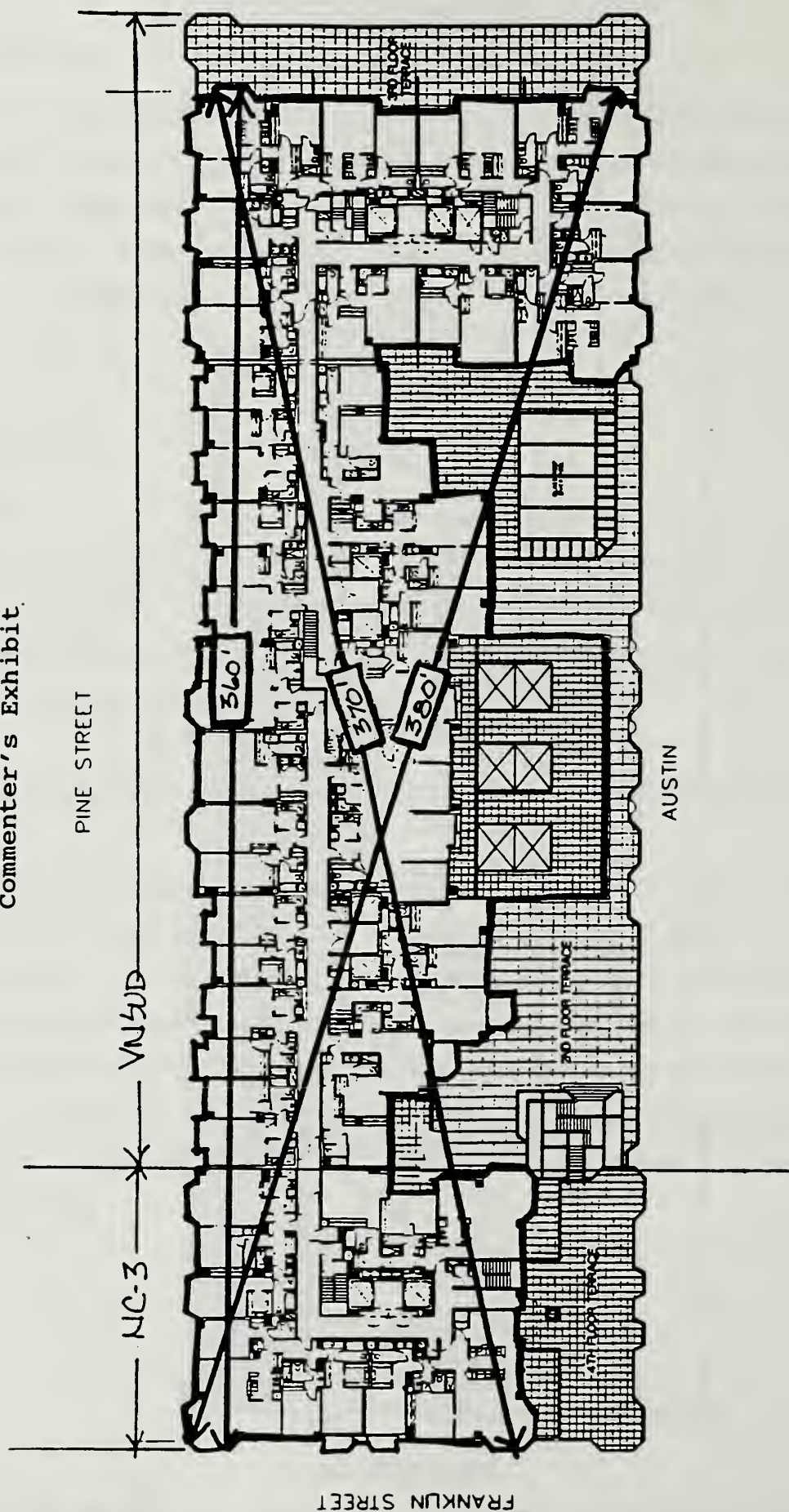
DEIR

Commenter's Exhibit





Commenter's Exhibit



"And when the code talks about bulk limits of length and diagonal measurements, it seems to me that from the photomontages and from the elevations that are in the DEIR, you have to measure the whole length of the building, as in our Figure 2. The building will not be perceived as two separate buildings, one in one zoning district and the other in the other zoning district. It will be all one building. So I think for length considerations and diagonal measurement considerations, you need to talk about the whole building, as in our Figure 2.

"Now, when you do that, and you compare with the bulk regulations in the code, you find that the length is over three times what is allowed in the code. The diagonal measurement is over two and a half times what is allowed in the code. And you should notice that while the code says in the Van Ness Special Use District, this Commission has the power to say what the base shall be for these bulks considerations. The applicant is suggesting that the base be 120 feet above Van Ness. Now, that is a very high base. Logically, when you are talking about base, you talk about the podium with the street uses and entrances and all that, and then what is above that.

"What is above that then is the part for which you measure the bulk. But this proposal doesn't want to measure the bulk for that part because it is too bulky, and it goes and measures just the top ten feet of the building. I think that's not being really logical, not following the spirit of the code." (Anne Bloomfield, Pacific Heights Residents Association)

### Response

The DEIR describes the project bulk on pages 21, 76 and 82 to 89, as measured in two separate zoning districts, which is consistent with Planning Code requirements. The project calculations are correct as to what is permitted under the Planning Code. The project can only be measured by the terms of the specific zoning districts (see pages 21 and 76 in the DEIR), just as separate zoning restrictions apply in the two Districts (NC-3



and RC-4) in which the proposed building is located. The Planning Code makes no provision for combining different zoning districts for the purpose of measuring bulk.

Because Code Section 270 states that the height at which the bulk limits apply in "V" bulk districts is determined by the City Planning Commission, the project sponsor has the right to request that the Commission consider any specific height for imposition of bulk limits. Should the Commission determine the requested height (at which the bulk limits would apply) is inappropriate, the project sponsor could alternately request a bulk exception under Code Section 271. At this point, the project sponsor has opted to pursue the former course.

#### Comment

"(DEIR pages 76, 21, 28). The site is in two different height-and-bulk districts. On the Franklin Street portion of the site (NC-3 and 130-E), the maximum plan dimensions above 65 feet are 110 feet in length and 140 feet in diagonal dimension. On the Van Ness portion of the site (RC-4 and 130-V), the maximum plan dimension are the same, but the height at which they apply is to be determined by the Planning Commission. The height for their application must be at least 50 feet above Van Ness Avenue. The project sponsor proposes that the bulk limits should apply beginning 120 feet above Van Ness Avenue, or only for the top 10 feet of the building.

"The boundary between the two different height-and-bulk districts would be invisible in the proposed project. The proposed project is a single block of building, with some variations at the top.

"The DEIR compares the proposed project to the bulk requirements as if the project were two distinctly separate buildings, each with its own separate length and diagonal dimension (see PHRA Figure 1).



"Pacific Heights Residents Association (PHRA) submits that the length and diagonal dimension of the entire building project should be compared with the maximum length and diagonal dimension in each of the districts (see PHRA Figure 2).

"The main residential block as proposed appears to have a length of 360 feet. The diagonal dimension of the main residential block above the podium appears to be about 370 feet measured from the southwest corner at Franklin Street, or about 380 feet measured from the project's southeast corner at Van Ness Avenue.

"These dimensions of the main residential block are, respectively, 327% of the allowed length in either district, 264% of the allowed diagonal dimension in the NC-3 (Franklin side) district, and 271% of the allowed diagonal dimension in the RC-4 district (the Van Ness portion)." (Charlotte Maeck, Pacific Heights Residents Association)

#### Response

As mentioned in the previous response, the bulk of the proposed building has been calculated as required under the Planning Code. For informational purposes, the entire site is 384.75 feet in length and 402 feet at the longest diagonal. At 50-foot elevation, the building is 379.75 feet in length and 405 feet at the longest diagonal, which includes the corner of the bay window on Pine and Franklin Streets. At 120-foot elevation, the length varies for each tower: 67 feet for the Central tower, 68 feet for the East tower, and 69 feet for the Franklin tower. The diagonal would be 80 feet for the Central tower, 82 feet for the East tower, and 87 feet for the Franklin tower.

#### Comment

"How is the maximum height measured given the slope of the parcel. Is it a real 130 foot maximum or a code-calculated using the slope of the parcel median 130 foot maximum? Perceived height at the bottom of a slope is just as important as how the code calculates it.

"(Page 76 - confusion regarding setback). Are they saying that as long as a project goes straight up – with no setbacks – that bulk limits never kick in on the Van Ness portion of the site?"  
(Sue Hestor, Attorney)

Response

The mid-point for each zoning district (i.e., NC-3 along Franklin Street and RC-4/South Van Ness Special Use District along portions of Pine Street) was selected and the maximum code height was determined (130 feet) at those points. The actual height of the building at the center line of the Van Ness/Pine curb is 138.7 feet. The building is set back 20 feet from Van Ness at the 49-foot level. The Planning Code indicates that the City Planning Commission may adopt bulk limits above any setback specified at 50 or more feet.

FAR (FLOOR AREA RATIO)

Comment

"(Page 20). The FAR calculations are misleading since the overall ratio of building mass to lot area is never set out. Please provide that information. [Footnote] 2 on page 20 – assume it is senior housing and that excess parking must be attributed to FAR. Redo the table to make that and other similar adjustments that are necessary. Provide an accurate table with the assumptions that drive up the FAR numbers.

"On Page 21, this overall FAR is very, very misleading because the FAR calculations are weird in this City, and everyone who knows them knows that certain things don't count. And so I calculated what is the overall coverage, the bulk, the perceived bulk of this building. And my calculations, when you use Page 20, and look at Page 20, which is the total at the bottom of the column, which is 521,470. I divided it by the site size, which is also in that column, which is

46,170. When you add up the number of physical square feet that are going to be there and the physical size of the lot, the bulk of this building is 11.3 to 1, I believe.

"And I would like the department to clarify that and to say it in the EIR, because hiding behind FAR calculations, we all know that certain things just don't count in FAR's, and you would have floors of residential building, and it's like they don't exist in the sky. But the bulk – and this is an enormous issue for people – should be up front in the DEIR. What is the land coverage ratio? And it is, I believe, 11.3 to 1, which is real intense, folks." (Sue Hestor, Attorney)

#### Response

FAR ratios are a creation of the Planning Code and are shown as defined in the Planning Code in Table 1 on page 20 of the DEIR.

If the City Planning Commission determines that a portion of the proposed parking is nonaccessory parking, as suggested in footnote 2 to Table 1 and in footnote 2 to Table 2, then the excess parking would be attributed to the FAR and the gross floor area of the proposed project would exceed that permitted by the Planning Code. This is indicated in footnote 4 to Table 1. As discussed in the DEIR, the City Planning Commission could, in such event, approve the excess floor area pursuant to Planning Code Section 304.

The commenter is correct in the ratio of total gross square footage divided by the size of the proposed project lot ( $521,470 \text{ gsf} \div 46,170 \text{ gsf} = 11.29$  or 11.3). However, because a substantial portion of this total gross square footage is contained in the four underground garage levels, this total gross square footage figure is not indicative of perceived, above-ground bulk.



## SETTING

### Comment

"The third [comment] is about the environmental setting. And we feel that the description of the environmental setting in the EIR does not cover the bases. It leaves out the low rise development in the neighborhood." (Anne Bloomfield, Pacific Heights Residents Association)

"(DEIR pages 37-39). The DEIR ignores the low-rise uses along Franklin Street and generally west of the proposed project. PHRA proposes adding a paragraph to the section describing environmental setting, perhaps as follows:

'In the vicinity of the proposed project, to the west of the lots bordering Van Ness Avenue, the existing development is generally two to four stories high. In this sub-area, only seven buildings are six to eight stories tall. The wall of high-rises on Franklin Street reaches north only as far as the northeast corner of Sutter and Franklin Streets. Most uses in this sub-area are residential, or residential over commercial. There are two architecturally significant churches: Trinity (misabeled St. Gregory Nissen on page 38) and the First Church of Christ Scientist. Their architects are respectively A. Page Brown and Edgar Mathews. Four designated Landmark houses stand at the northwest corner of Franklin and California Streets. They symbolize the prevailing bulk of this sub-area in the vicinity of the proposed project.'" (Charlotte Maeck, Pacific Heights Residents Association)

### Response

The discussion in the DEIR on pages 37 and 39 on land uses describes all the land use designations and the height of buildings in the project area including low-rise development. Figure 8 on page 38 of the DEIR indicates the existing ground floor uses of buildings in the area surrounding the proposed project site and the number of stories of each building. The Episcopal church on the northeast corner of Bush and Gough Streets houses two congregations: Trinity Church and St. Gregory Nissen Church.

The following sentences are added to the paragraph at the top of page 39 in the DEIR:

"In the vicinity of the proposed project to the west of the lots bordering Van Ness Avenue, the existing development is generally two to five stories high. There are two architecturally significant churches in the area: Trinity/St. Gregory Nissen and the First Church of Christ Scientist. Their architects are respectively A. Page Brown and Edgar Mathews. Four designated Landmark houses stand at the northwest corner of Franklin and California Streets."

Comment

"(Page 37 - Land Use Setting). Ignores low and low moderate income characteristics of the area, especially the area to the east and southeast. Doesn't even mention the Gita, a very low-income residential hotel on the site. Other than the new condos constructed in the Van Ness Avenue Plan area and the new buildings in Redevelopment jurisdiction, what are the rent levels of the housing south of California between Van Ness and Franklin and east of Van Ness between California and Geary? This is available in census data. Polk O'Farrell will be higher. What about the buildings that have been up at least 20 years?" (Sue Hestor, Attorney)

Response

Examination of 1990 census data demonstrates a difference between the income characteristics of the population living on the west side of Van Ness Avenue from that of the population living on the east side of Van Ness Avenue. The proposed project lies within census tract 151 where the average household income is \$34,000 a year and the percent of households below the poverty line is 5.4 percent. The proposed project is also within a smaller block group within that same census tract where the average household income is slightly lower at \$31,000 and the percent living below the poverty line is also less, at 4.3 percent. The entire census tract encompasses the area between Van Ness Avenue and Gough from Peter Yorke Way to California Street. About 27 percent of all householders are over 65 years of age in this area. By comparison, average household

income for the City as a whole is \$33,414 and the percent of households below the poverty line is more than double, at 10.4 percent. Median contract rent (1989 dollars) is from \$500 to \$749 per month in the census tract compared to \$613 citywide.

On the east side of Van Ness Avenue there are three census tracts paralleling the census tract on the west side of Van Ness Avenue, but extending much further to the east to Leavenworth. In this area, the average household income generally runs between \$20,000-\$26,000 per year and the percent living below the poverty line runs from 15 to 20 percent with lower incomes and larger numbers below the poverty line as one moves to the south, especially south of Post Street. Half as many householders are over 65 as on the west side, except south of Post Street where the percentage is almost the same as the citywide average (20 percent). Median contract rent (1989 dollars) is \$250 to \$499 per month for the census tract.

The census data confirms the typical association of the area west of Van Ness Avenue with household characteristics of lower Pacific Heights and the rebuilt portions of the Western Addition in the redevelopment area, and the area east of Van Ness Avenue with the Tenderloin area, Polk Gulch and outer Nob Hill to the North. Additional data is not available by building or for groups of buildings over a certain age.

The Gita Hotel is referred to as a "residential/tourist hotel" on page 37 of the DEIR and on page 74. The Initial Study on pages A-9 and A-10 of the DEIR describes the Gita Hotel (20 residential guest rooms and 24 tourist guest rooms) as a residential hotel. A more detailed discussion of the Gita Hotel is found in this report on pages C&R.140 through C&R.145.

#### Comment

"(Page 39). The project sponsor believes that the Carlisle should not be described as a life care facility because it offers a limited medical program, cannot be compared to a full life care



project and is not licensed and regulated as a life care facility. 'Life Care' is a statutory term, carefully regulated by the State to protect the elderly from misunderstanding the major differences in the services offered." (Charles Olson, Pettit & Martin)

Response

The text on page 39 of the DEIR has been changed. Delete "life care facility" and add "a residential facility with a medical program." Line seven of the first full paragraph should read:

" . . . at that site); a 12-story, 162-dwelling-unit residential facility with a medical program (The Carlisle) at 1450 Post Street; a 12- . . . ."

Comment

"Page 41 shows the inconsistency in the description of the area on page 37, because it mentions the North of Market SUD as being part of the vicinity." (Sue Hestor, Attorney)

Response

The North of Market Residential Special Use District (SUD) mentioned in line four of paragraph three on page 41 of the DEIR borders the VN SUD and the Polk Neighborhood Commercial District (NCD) at the corner of Polk and Bush Streets. Although the Planning Code Districts shown in Figure 9, page 40 in the DEIR, extend only two blocks from the proposed project, three blocks from the project would still be considered the "site vicinity." The North of Market SUD is three blocks from the proposed project site.

Add the following to the last sentence in the first paragraph, line five, on page 37 of the DEIR:

" . . . to the southeast is the North of Market/Tenderloin area."

Comment

"(Page 74). Contradiction between statement that Van Ness EIR presumes that the present mix of commercial and residential [are] not expected to change, then state that the project would contribute to trends to residential. Current uses are commercial and SRO. This is a definite change in mix." (Sue Hestor, Attorney)

Response

The statement on page 74 indicates that there are areas along Van Ness Avenue, "including the project site," that would experience new development, but within the VN SUD area between Golden Gate Avenue and Broadway, the present mixture of residential and commercial uses is not expected to change substantially. The preceding two paragraphs on page 74 explain the change of uses that would occur on the site itself. A change in use on the site would not necessarily result in substantial change to the overall mix of uses within the entire district, particularly when considering that the current land use designations on the site are commercial and residential and these uses would continue with the proposed project. At present, the site is vacant.

Comment

"On Page 6, there is no discussion of how these sites became vacant. It basically says six of the seven buildings are vacant. Page 6, 'Project site is nearly currently vacant.'

"It's the third line down. And when you read the rest of the text, it says somewhere else in the main text – this is the summary – that six of the seven buildings are vacant.

"I would like to know whether Episcopal Homes bought up the sites and vacated them. That's valid information to know. How did they become vacant? Did they become vacant because of the earthquake? I believe two of the buildings presumably did, based on the information here. The Gita was bought up, and is being vacated. How did the Episcopal Homes or an agent for

the Episcopal Homes buy up these buildings and vacate them? I know the gas station closed, I think, independently, but there should be something in the EIR that tells you how it became vacant.

"(Page 6.) Please delineate in main text how the site became vacant, building by building, how EH [Episcopal Homes] acquired options or whatever, were tenancies terminated or bought off, was the owner of the Gita required to deliver it vacant, when did all these activities start, are they now complete, was EH acting through an agent to vacate the properties or acquire them.

"(Page 127). Why did the businesses on site leave? Were their leases terminated or not renewed? Did the business cease when it left?" (Sue Hestor, Attorney)

#### Response

The project sponsor commenced efforts to acquire the site, which consisted of eight separately owned parcels, during 1988. Control over most parcels was achieved by July 1988 through options or contracts to purchase. Some owners wanted to terminate their leases because they considered their sites no longer positive locations for their businesses. Half of the buildings were already vacant when acquired by the project sponsor. Some buildings, such as 1623 and 1629 Pine Street, were vacated as a result of structural damage caused by the 1989 Loma Prieta earthquake.

A full description of the history of the most recent businesses previously located on the site is found below:<sup>2</sup>

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<sup>2</sup>The following summary is based on information provided by Mr. Laurie Pratt of EHF who contacted the previous owners, tenants, and/or property managers and assembled the information as well as information provided by Mr. Joe Erway of CEDEVCO. Month-to-month tenants who may have occupied any of the buildings after the major tenant vacated have not been counted.



1699 Pine Street (UNOCAL Site):

Area:	9,000 square feet (sf).
Use:	Gasoline Station and Auto repair.
Date Vacated:	April, 1991.
Reason for Leaving:	Tenant was given notice when he assumed the month to month lease that the station was proposed to be taken out of service and shut down by UNOCAL. Notice to vacate was given to the gas station tenant by UNOCAL to permit removal of underground tanks and toxic clean up of site.
No. of Employees:	5 to 6.

1629 Pine Street:

Basement:

Area:	Eastern Part of Garage - 1,200 sf.
Last Tenant:	Cars by Dawdiac.
Use:	Overflow parking.
Date Vacated:	October 1989.
No. of Employees:	0.
Reason for Leaving:	No longer needed the space.

Area:	Western Part of Garage - 7,800 sf.
Last Tenant:	Auto Symphony.
Use:	Parking. 1 Parking space for European American University. Auto Symphony and previous owner continued to use basement for their customer parking until March, 1991.
Date Vacated:	March 1991.
No. of Employees:	0.

Ground Floor:

Area:	9,000 sf.
Last Tenant:	European American University.
Use:	3,400 sf for School, remainder vacant and common area.
Date Vacated:	April 20, 1991.
Reason for Leaving:	Unsafe building.

## Summary of Comments and Responses

No. of Employees: 2 full time, 20 part time, 60-70 students.  
Class size 12-35. No. of persons on site at one time, 15-38.

### Second Floor:

Area: 9,000 sf.  
Last Tenant: Barcelino Continental Corporation.  
Use: 3,800 sf for parking (9 spaces).  
4,800 sf vacant.  
Date Vacated: April 26, 1991.  
Reason for Leaving: Unsafe building; moved to new offices.

### Third Floor:

Area: 2,500 sf office, remainder (6,500 sf) vacant.  
Last Tenant: Barcelino Continental Corp.  
Use: Offices.  
Date Vacated: December 27, 1990.  
Reason for Leaving: Unsafe building; moved to new offices.  
No. of Employees: 6.

### 1623 Pine Street:

#### Basement:

Area: 6,000 sf.  
Last Tenant: Barcelino Continental Corporation.  
Use: Warehousing space.  
Date Vacated: April 26, 1991.  
No. of Employees: 4.  
Reason for Leaving: Unsafe building; moved to new offices.

#### Ground Floor:

Area: 6,000 sf.  
Last Tenant: Vacant.  
Use: None.  
Date Vacated: Prior to July 1, 1988.

#### Second Floor:

Area: 6,000 sf.  
Last Tenant: Previous Owner.  
Use: None.  
Date Vacated: Prior to July 1, 1988.

## Summary of Comments and Responses

### Third Floor:

Area:	6,000 sf.
Last Tenant:	Vacant.
Use:	None.
Date vacant:	Prior to July 1, 1988.

### 1617 - 1619 Pine Street:

#### Basement:

Area:	3,600 sf.
Last Tenant:	Gita Hotel/Auto Symphony.
Use:	Hotel storage.
Date Vacated:	Part of basement used for storage by owner. Auto Symphony left May, 1990 because of fire damage and relocated to 1623 Van Ness Avenue.
Reason for Leaving:	Consolidated sale and installation operations and relocated to 1525 Van Ness Avenue.

#### Ground Floor:

Area:	3,600 sf.
Last Tenant:	Auto Symphony.
Use:	Installation of car stereos & phones
Date Vacated:	May, 1990.
No. of Employees:	10.
Reason for Leaving:	Consolidated sale and installation operations at 1525 Van Ness Avenue.

#### Second through Fourth Floors:

Area:	3,500 sf per floor.
Last Tenant:	Gita Hotel.
Use:	44 room residential/tourist hotel (20 rooms classified as residential, 24 rooms classified as tourist).
Date Vacated:	August, 1992.
No. of Employees:	3 (resident clerks and manager).
Reason for Leaving:	Conversion application filed September 5, 1991 and relocation assistance begun March 1992 (see pages C&R.142 and C&R.143).



1615 Pine street:

Sub-basement:

Area:	3,000 sf.
Last Tenant:	Vacant.
Use:	Vacant.
Date Vacated:	July 1, 1988.

Basement:

Area:	5,400 sf.
Last Tenant:	Vacant.
Use:	Vacant.
Date Vacated:	July 1, 1988.

Ground Floor:

Area:	5,400 sf.
Last Tenant:	Vacant.
Use:	Vacant.
Date Vacated:	July 1, 1988.

1611 Pine Street:

Area:	6,000 sf total. (4,000 sf Ground Floor). (2,000 sf Basement).
Last Tenant:	Bachman Welders (previous owner).
Use:	Welding.
Date Vacated:	July 1, 1991.
Reason for Leaving:	Owner retired, sold property to EHF to provide retirement income.
No. of Employees:	4.

1441 & 1465 Van Ness:

Basement:

Area:	6,780 sf.
Last Tenant:	PacTel Infosystems & Barbary Coast Savings Bank.
Use:	4,500 sf by PacTel for ancillary storage. 1,500 sf by Bank for ancillary storage.

## Summary of Comments and Responses

Date Vacated: PacTel left on November 7, 1989.  
Bank left on April 30, 1989.  
Reason for Leaving: PacTel sold the business. Barbary Coast moved to improve location as required by regulators.

### Ground Floor:

Area: 5,600 sf.  
Last Tenant: PacTel Infosystems.  
Use: Offices, showroom and retail sales for computer and telecommunications equipment (compiled as offices).

Date Vacated: November 7, 1989.  
Reason for Leaving: Sold business.  
No. of Employees: 20 full time and 20 sales persons off site but reporting to office.

### Ground Floor and Second Floor:

Area: 6,800 sf second floor, 1,000 sf ground floor.  
Last Tenant: Barbary Coast Savings Bank.  
Use: Offices, retail banking (compiled as offices).  
Date Vacated: April 30, 1989.  
Reason for Leaving: Improve location as required by regulators.  
No. of Employees: 20 full time and 8 off-premises sales people.

### 1431 & 1439 Van Ness:

#### Basement:

Area: 4,390 sf.  
Last Tenant: None.  
Use: Tenant and owner storage.  
Date Vacated: March 1991.

Reason for Leaving: Owner sold building to consolidate business in Sacramento

Ground Floor:

Area:	4,500 sf.
Last Tenant:	Viking Sandwich, San Francisco School of Massage.
Use:	1,200 sf Vacant. 1,000 sf Massage school. 1,500 sf Sandwich Shop.
Date Vacated:	Viking vacated on March 30, 1991. Massage School moved June, 1990.
No. of Employees:	Massage School (3 full time, 2 part time). 12 - 14 students. Viking Sandwich 3.
Reason for Leaving:	Viking went out of business; the Massage School wanted a better location.

Second Floor:

Area:	4,390 sf.
Last Tenant:	National Business Factors (owner).
Use:	Collection Offices.
Date Vacated:	October 31, 1990.
Reason for Leaving:	Sold building to consolidate business in Sacramento.
No. of Employees:	13.

The Gita Hotel was one of the last buildings acquired by the project sponsor. An option was acquired in 1988, but title did not pass to the project sponsor until early 1992, due to the fact that the prior owners wanted to retain ownership and possession until the end of 1991 and the project sponsor wanted to provide for replacement housing and the relocation of the residents.

The Gita Hotel was vacated primarily by the project sponsor, but with the assistance of the previous owner. Relocation was provided by the project sponsor and the prior owner who had contacts with numerous other hotels. A full description of the history of the tenants in the Gita Hotel is provided on pages C&R.140 through C&R.145 in the section on Population, Housing and Employment.



## DEMOLITION OF EXISTING BUILDINGS

### Comment

"(Pages 3, 44-45, 79-80, 123). The Draft EIR fails to explain that the 1623 and 1629 Pine Street buildings require immediate demolition without regard to the proposed project. The City has deemed the buildings to represent a serious and imminent hazard under the Building Code. In response, the project sponsor filed applications for demolition permits for these buildings on March 2, 1992. Extensive structural and financial analysis showing that these buildings cannot be feasibly rehabilitated was submitted to the City with the demolition permit applications and has been further supplemented. This information is briefly summarized below. Due to the fact that the buildings have no value, demolition is the only available alternative to the City and the project sponsor.

"Both buildings were structurally defective due to unpermitted modifications, sustained significant damage during the Loma Prieta earthquake, continue to deteriorate and have been declared unsafe for occupancy by the City. The Draft EIR fails to address the extent of the damage caused to the buildings by the Loma Prieta earthquake, or their inherent structural defects, beyond mentioning the fact that the buildings have been 'red-tagged' by the City. The project sponsor has spent approximately \$50,000 for emergency measures to protect the public from these unsafe and dangerous buildings and in excess of \$46,000 to secure the buildings. However, recent studies indicate no possibility of reoccupancy.

"Several engineering firms have determined that if the buildings were to be retained, the existing structural system would have to be abandoned and a new structural system constructed inside the existing walls to support existing floors and roofs. Both buildings are of unreinforced masonry and have been added to and altered in a structurally unsound manner over the years. Now, major structural elements are failing. Construction of a new structural system would involve removing and replacing all existing queen post trusses and other trusses and columns with steel columns and steel beams. Existing basement concrete floors would have to be removed to allow for the installation of new concrete piers and foundations. Selected portions

of the existing masonry walls would have to be reinforced with gunnite, and the mortar re-pointed.

"The engineering consultant's report contains a complete structural and seismic evaluation of the buildings, including cost estimates for the structural components only. According to the cost estimates prepared, the per square foot cost of structural rehabilitation of the buildings could vary from approximately \$60 to \$74.50, depending on the level of seismic upgrade. Other required and associated costs of rehabilitation and leasing have been estimated as high as \$220.75 per square foot. Even without the cost of land, two economic studies show no possibility of reuse for any purpose. All engineering and economic studies are to be found in the demolition permit application file at the City.

"The buildings also must be demolished to determine the extent of soil contamination migrating from the UNOCAL site and to complete remediation. As discussed in the Draft EIR, environmental testing has confirmed the presence of hazardous wastes in the soil beneath the UNOCAL site which may have migrated from the UNOCAL site to the east and northeast beneath these buildings. The buildings must be demolished as soon as possible because they prevent additional test borings or any feasible remediation." (Charles Olson, Pettit & Martin)

"(Page 74 - red tag issue). At both the November hearing and at yesterday's counsel for the sponsor has threatened to demolish the rated buildings no matter whether the project goes forward or not. This level of contempt for the public is unacceptable. EH has the legal responsibility to keep its buildings safe. A red tag does not necessarily mean 'demolish.' The City is legally empowered to go in and remove the safety threats and bill EH for the work. This threat is a blatant attempt to violate the requirement of CEQA that the project not proceed until there is a certified EIR. Will the City take the steps necessary to secure the safety of the red-tagged buildings, or will it cooperate in this bald attempt to avoid the protections given to rated buildings in the Van Ness Avenue Plan area? Please also provide information on whether it was

project sponsor's intent to demolish even prior to the earthquake. This should certainly color how those threats are viewed." (Sue Hestor, Attorney)

Response

The project sponsor filed demolition permit applications for 1623 and 1629 Pine Street in March 1992 due to the fact that the City had declared the buildings a serious and imminent hazard and ordered repairs. After spending over \$50,000 on emergency stabilization of the buildings, and the project sponsor's engineering structural studies concluded that it was not economically feasible to reuse the buildings for any purposes, the project sponsor decided that it did not make sense to spend any further monies on the buildings. Building Code Section 203 forbids the City from spending money itself or requiring expenditure of money on repairs of buildings, in lieu of demolition, where the cost of repairs would exceed 50 percent of the value of the buildings or the portions requiring work. The project sponsor has presented data to the City which indicate that the buildings have no remaining value. The project sponsor believes that the City cannot require further repairs for the 1623 and 1629 Pine Street structures and has, therefore, submitted applications for demolition permits. The City, however, has not determined that demolition is required and is making every effort to see that the buildings are not demolished until and unless the EIR is certified and the project approved. See also response on page C&R.25.

Comment

"On the EIR, I will just briefly state that we find the EIR accurate and adequate, but have some concerns about items that are missing. I want to highlight only one in particular, which is that the EIR inappropriately suggests that the project will cause the demolition of the buildings at 1623 and 29 Pine Street. That is not the case. Even under the no project alternative, the City will require the demolition of those buildings because they are considered a serious and imminent hazard. The project sponsor is under order to repair or demolish, and evidence has been submitted to the City, which is available to the Planning Department, as well as to the



Building Department, that it is economically impossible ever to use those buildings for any purpose whatsoever again. Therefore, we would assert that the project has no significant environmental impact." (John Sanger, Pettit & Martin)

Response

The City, not the project sponsor, will determine whether or not the buildings must be demolished. To date, the City has not found that the buildings must be demolished. See also comment and response immediately above and under Project Description, page C&R.25, with respect to the demolition of buildings in order to construct the proposed project.

OPEN SPACE

Comment

"There are a lot of seniors living in the Tenderloin, some seven to eight thousand. There are a lot of seniors living in all those areas I already mentioned. We need to make sure that the projects that come down the line don't end up making those people have to move. Part of why we would like more open space for this project at the street level is because we have found with the Dorothy Day project that Catholic Charities put up in the Tenderloin, the scary Tenderloin where I live, that they put not a big wall, but an outdoor patio at the street level. Many seniors sit out there. Because they can sit at the street level, they actually know some of their immediate neighbors.

"I think it's absolutely marvelous that a lot of these people apparently volunteer throughout the City and throughout the Bay Area. But my concern is that they also know their neighbors. Project people who have discussed this with us have said, 'One of the seniors' concerns is fear, and they want security.' But usually what we are afraid of is who we don't know. To some degree, I know those needs have to be addressed, but it seems important to allow an interface with the local community that they are going to be living with so that they know some of those

people, and the fear factor does not increase, but instead might be less." (Kelley Cullen, Franciscan Brother)

Response

The proposed project, like most other residential projects, emphasizes privacy and open space reserved for the residents of the building. The Master Plan (the Urban Design Element Objective 4, Policy 10) and the provisions of the Planning Code Section 135(a)(b)(1)(2) require private or common open space for residents of residential buildings and these provisions give greater credit for private open space. This issue, however, is best addressed through the Conditional Use hearing process and not environmental review.

**HISTORIC, ARCHITECTURAL AND CULTURAL RESOURCES**

Comment

"(On pages 10-11). Demolition of historic buildings cannot be mitigated, but as a partial mitigation measure for demolition of the four buildings rated significant or contributory in the Van Ness Avenue Plan, the project sponsor should be required to prepare Historic American Building Survey (HABS) Reports on each of the four buildings. Copies of the original photos, the sketch plans and architectural/historical reports should be transmitted to the Department of City Planning Landmarks Board, the State Historic Preservation Officer (SHPO) and the San Francisco History Room of the San Francisco Public Library.

"(On page 137). HABS recordation of the four structures if demolished should include archival 4 x 5 or 5 x 7 black and white photos mounted and labeled. In addition, architectural/historical descriptions of the buildings as delineated by the HABS Standards, should be transmitted to the Department of City Planning Landmarks Board, the State Historic Preservation Office (SHPO) and the History Room of the San Francisco Public Library." (Vincent Marsh, Landmarks Preservation Advisory Board)

Response

A mitigation measure for the demolition of the four buildings rated significant or contributory in the Van Ness Avenue Plan is added to page 137 of the DEIR after the first full paragraph:

"Mitigation Measure

"Limited HABS recordation of the four structures rated significant or contributory in the Van Ness Avenue Plan if demolished should include archival 4 x 5 or 5 x 7 black and white photos mounted and labeled. In addition, architectural/historical descriptions of the buildings as delineated by the HABS Standards, should be transmitted to the Department of City Planning, Landmarks Board, the State Historic Preservation Office (SHPO) and the History Room of the San Francisco Public Library."

Comment

"(On page 42). It is recommended that the next-to-last sentence be rewritten as follows:

'The criteria used in the evaluation were based on an internationally recognized system developed in Canada by Harold Kallman, explained in the introductory material of Splendid Survivors, and used in all the Heritage surveys. The San Francisco Landmarks Preservation Advisory Board uses similar criteria to evaluate potential Landmarks and Historic Districts. Heritage finds their "A" rating equivalent to eligibility for the National Register of Historic Places (NRHP), and their "B" rating equivalent to that of being potentially eligible for the National Register.'" (Vincent Marsh, Landmarks Preservation Advisory Board)

Response

The text of the next to the last sentence of the DEIR on page 42 is revised as follows:



"The criteria used in the evaluation were based on an internationally recognized system developed in Canada by Harold Kallman, explained in the introductory material of *Splendid Survivors*, and used in all the Heritage surveys. The San Francisco Landmarks Preservation Advisory Board uses similar criteria to evaluate potential Landmarks and Historic Districts. Heritage believes their 'A' rating equivalent to eligibility for the National Register of Historic Places (NRHP), and their 'B' rating equivalent to that of being potentially eligible for the National Register."

Comment

"(On page 44, second paragraph). Investigation of the 1913 Sanborn Map might help determine whether or to what extent they burned." (Vincent Marsh, Landmarks Preservation Advisory Board)

"(Pages 45-46). The City's official map of the fire shows that buildings on the proposed site were burned during the 1906 earthquake and fire. Subsequent Sanborn maps show complete redevelopment of the block. The last sentence of the first partial paragraph on page 46 of the Draft EIR should therefore substitute the word 'including' for the word 'near.'" (Charles Olson, Pettit & Martin)

Response

The 1899 Sanborn map, v. 3, p. 258, shows a grouping of buildings on both of the subject sites which do not match the footprints of the structures that exist today.

The 1899 Sanborn map, v. 3, p. 258, as corrected in 1905, shows a structure that matches the footprint of today's structure at 1623, and a grouping of three structures thrown together which covers the same footprint as today's building at 1629 (1631) Pine Street.

The 1913 Sanborn Map, v. 3, p. 233, shows the two buildings as they exist today.

In addition, notices in the *San Francisco Call* and *Edwards Abstract*, June 16, 1908, show significant alterations only to the building at 1623 Pine Street. Significant alterations to the 1629 (1631) structure had occurred in 1905.

It may never be possible to state whether the two buildings did or did not burn, or partially burn, during the 1906 fire.

Comment

"(On page 79, third and fourth lines from bottom) '. . . association with historic events or patterns, or with a person of historic importance . . . .'" (Vincent Marsh, Landmarks Preservation Advisory Board).

Response

Comment noted. The text of the DEIR, page 79, third and fourth line from the bottom, is revised as follows:

". . . association with historic events or patterns, or with a person of historic importance . . . ."

Comment

"(On page 81, first paragraph last line) '. . . and potentially could lie undisturbed . . . .'" (Vincent Marsh, Landmarks Preservation Board)

Response

Comment noted. The text of the DEIR, page 81, first paragraph, last line, is revised as follows:

". . . and potentially could lie undisturbed . . . ."

Comment

"(On page 81). Add a new paragraph identifying and assessing historical importance of owners of the properties in 1894, 1901 and 1906, and the buildings thereon shown by the three pre-1906 Sanborn Maps." (Vincent Marsh, Landmarks Preservation Advisory Board)

Response

The following Identification and Historical Assessment of Owners and Residents at 1623-1631 Pine Street - 1894, 1901, and 1906 has been compiled by the Architectural Historical Consultant, Page & Turnbull.

Owners are listed in **bold type**.

1) **Melliss, D. Ernest** (1623 Pine/216-1/2 Austin/218 Austin), 1894, 1891.

At this time, there does not appear to be any historical significance of D. Ernest Melliss in relation to the noted project site addresses. In an unrelated matter, Melliss resigned from his position as superintendent of construction for San Francisco's new City Hall building in mid-1897 (*San Francisco Call* 18 July 1897, p. 8).

1894 - Unable to verify D. Ernest Melliss having resided or been employed at these addresses (San Francisco city directories 1882-83 through 1900-01). His name initially appears in city directories in the early 1880s. He indicates his profession as civil and mining engineer, having an office located in various locations in the Financial District. In 1895-96, Melliss was also the superintendent of construction for the new City Hall.

John H. Toothaker was residing at 218 Austin by 1868 (*San Francisco City Directory* (SFCD) 1868-69 [Langley], p. 543). Along with Benjamin Meyers (Myers), Toothaker operated a horseshoer and blacksmith firm initially at 116 Washington (SFCD 1863-64 up to 1871). Toothaker continued to reside at 218 Austin until at least 1893 (SFCD 1868-69 through 1893).



As indicated in the Page & Turnbull, Inc. report, *Architectural/Historical Report on the Two Commercial Buildings at 1623 and 1631 (1629) Pine Street, San Francisco*, July 1991, revised October 25, 1991 ("October 1991 report") (note 9), Toothaker was also listed in city directories as having a horseshoer and carriage building business at what became 1623 Pine, beginning in 1878-79. Blacksmithing was another business conducted by Toothaker at the same site (SFCD 1881-82 through 1893). According to city directories, Daniel G. Giblin was working as a blacksmith with Toothaker by 1881-82. Simultaneous to part of the period that Toothaker had his business at 1623 Pine, Giblin was a horseshoer at the same address and 1623-1/2 Pine, from 1888 to 1905. He resided at 1520 Franklin (SE corner of Franklin and Pine) during the early 1900s.

1901 - Unable to verify D. Ernest Melliss having resided or been employed at these addresses (SFCD 1901-1905).

John H. Toothaker and eventually Daniel G. Giblin operated horseshoer and blacksmith firms at 1623 Pine from 1878 to 1905 (SFCD 1878-79 through 1905).

1906 - Thomas Kelly and Sons (Thomas, Edward Frank, and J. Dudley) livery stable business completed its eastward expansion from 1627-1631 Pine by 1907, indicating its new address as 1623-1631 Pine (SFCD 1907 [Crocker-Langley], pp. 908, 1990).

See October 1991 report (pp. 4-5) for later city directory history.

2) Meyers, W. (1625 Pine/220 Austin), 1894:

At this time, there does not appear to be any historical significance of W. Meyers in relation to the noted project site addresses.

Unable to verify a W. Meyers having resided or been employed at these addresses (SFCD 1861-62 through 1900-01).

According to city directories, Benjamin Meyers (Myers) and Richard Meyers (Myers) began residing at 220 Austin in 1868-69. Benjamin Meyers and John H. Toothaker operated a blacksmithing business at 116 Washington, where Richard Meyers also worked (see 1623 Pine [1894]).

Benjamin and Richard Meyers established their own blacksmithing firm, Meyers Brothers, by the late 1870s, at which time they still resided at 220 Austin (SFCD 1879-80 [Langley], pp. 638-39).

No individuals with the surname Meyers were residing nor conducting business at 220 Austin/1625 Pine after that time.

**3) Sposito, Catherine (1625 Pine/220 Austin), 1901:**

At this time, there does not appear to be any historical significance of Catherine E. Sposito in relation to the noted project site address.

1901 - Unable to verify Catherine E. Sposito having resided or been employed at these addresses (SFCD 1890 through 1900-01).

Catherine E. Sposito, a widow, resided at 1214 A Mason during the late 1890s. It is probable that her husband was John Sposito, who was a local fish merchant.

1906 - Ditto (1623 Pine [1906]).

**4) Getty, James (1627 Pine), 1894:**

At this time, there does not appear to be any historical significance of James Getty in relation to the noted project site address.

1894 - James Getty, a machinist with various iron works companies in San Francisco, initially appears to be residing at 1627 Pine in the late 1860s (SFCD 1868-69 [Langley], p. 236: ". . . dwl., Pine bet. Van Ness Ave. and Franklin."). The 1879-80 city directory indicates the address at 1627 Pine. According to later directories, Getty remained at this address through 1891. William J. Getty, patternmaker, is listed as well from 1887 through 1891.

James Getty or William J. Getty are not listed in city directories at 1627 Pine after 1891.

1901 - Thomas Kelly and Sons livery stable business expanded eastward from 1629-1631 Pine by 1905, indicating its new address as 1627-1631 Pine (SFCD 1905 [Crocker-Langley], pp. 1036, 2272).

1906 - Ditto (1623 Pine [1906]).

**5) Kelly, Margaret, et al. (1627 Pine), 1894, 1901, 1906: See Kelly, Edward and Frank Kelly (1623-1631 Pine), below.**

**6) Hayes, Mary (222 Austin), 1894:**

At this time there does not appear to be any historical significance of Mary Hayes in relation to the noted project site address.

1894 - Mary Hayes, a widow, lived at 222 Austin in the early 1890s (SFCD 1892 [Langley], p. 690; 1893 [Langley], p. 689). John Hayes, a clerk, and Daniel Hayes were residing there in 1890 (SFCD 1890 [Langley], pp. 615-16).

Prior to this period, no individuals with the surname Hayes were listed as residing nor conducting business at 222 Austin. However, a John Hayes was working as a blacksmith with Toothaker and Meyers in the late 1860s (SFCD 1869-70 [Langley], p. 297). Both Toothaker and Meyers are directly associated with the project site's history. In addition, from at least 1875-78, a John Hayes was in business with the same Toothaker: Toothaker and Hayes, horseshoers, 116 Washington (SFCD 1875 [Bishop], p. 1001; 1877-78 [Langley], p. 848). This occurred before Toothaker established his business at 1623 Pine, ca. 1878.

Mary Hayes is not listed in city directories at 222 Austin after 1893.

**7) Kelly, Edward and Frank Kelly (222 Austin), 1901, 1906:**

**See Kelly, Edward and Frank Kelly (1623-1631 Pine), below.**

1901 - Ditto (1627 Pine [1901]).

According to city directories Edward Kelly was initially employed as a hackdriver (driver of a hired carriage or coach) in the second half of the 1880s, and resided with his parents, Thomas and Margaret Kelly, at 224 Austin. By 1890, he and his brother, Frank Kelly, were specifically listed as drivers for his father's livery stable business (1629 Pine), while residing with their parents at 224 Austin. In ca. 1893, the firm became known as Thomas Kelly and Sons (Thomas, Edward, Frank; and later J. Dudley) until ca. 1908.

**8) Kelly, Margaret (1629 Pine/224 Austin), 1894, 1901, 1906:**

**See Kelly, Edward and Frank Kelly (1623-1631 Pine), below.**

Margaret Kelly was the wife of Thomas Kelly, whose livery stable and later a garage business was located at 1623-1631 Pine (ca. 1881 - ca. 1936).

Initially employed as a drayman (hauler of heavy goods or loads) Thomas Kelly appears to be residing at 224 Austin by the mid-1860s; with his place of business on Davis near Washington (SFCD 1863-64 [Langley], p. 209: ". . . dwl N s Austin bet. Franklin and Van Ness Ave."). His residency at 224 Austin was listed at the end of the 1860s, while operating an express wagon firm at 37 Battery (SFCD 1868-69 [Langley], p. 317; 1869-70 [Langley], p. 350; 1870 [Langley], p. 350).

During the first half of the 1870s, Kelly was superintendent of San Francisco's City and County Cemetery, and resided on Point Lobos Road (Geary Blvd.) SFCD 1871 through 1875).



By 1877 Thomas Kelly was living again at 224 Austin, and worked as a teamster (employment similar to a drayman) (SFCD 1877-78 [Langley] p. 486).

During the next few years Thomas Kelly was not listed at this address, nor elsewhere on the project site. However, both his residence at 224 Austin and business, the Pine Street Livery Stables at 1629 Pine, were indicated in the 1881-82 city directory [Langley] pp. 528, 1136). Kelly continued to be listed at both addresses until at least 1895. From ca. 1890-95, his business at 1628 Pine was known as the Belmont Stables, with Thomas Kelly and Sons as proprietors since ca. 1883.

Kelly's Belmont Stables expanded westward to include 1631 Pine by 1896 (SFCD 1896 [Crocker-Langley], p. 257). His use of the name Belmont Stables continued to be listed in city directories through 1899.

Thomas Kelly indicated his home address as 224 Austin until 1896.

1901 - Thomas Kelly and Sons continued its livery stable business at 1629-1631 Pine, and expanded eastward by 1905, indicating its new address as 1627-1631 Pine (SFCD 1905 [Crocker-Langley], pp. 1036, 2272).

1906 - Ditto (1623 Pine [1906]).

**9) Davis, Sophia** (226 Austin/1631 Pine), 1894, 1901:

At this time, there does not appear to be any historical significance of Sophia Davis in relation to the noted project site addresses.

1894 - Unable to verify Sophia (Sophie) Davis having resided or been employed at these addresses (SFCD 1861-62 through 1900-01).

Marks Davis, a drayman working on the southeast corner of California and Battery, was residing at 226 Austin by 1882 (SFCD 1882-83 [Langley], p. 326). According to city directories, he continued to live at the same address until ca. 1893.

Thomas Kelly and Sons livery stable business expanded westward to include 1631 Pine by 1896. From 1897 through 1904, Thomas, Edward and Frank Kelly listed their residence at 226 Austin (SFCD 1897 through 1904).

1901 - Thomas Kelly and Sons continued its livery stable business at 1629-1631 Pine, and expanded eastward by 1905, indicating its new address as 1627-1631 Pine (SFCD 1905 [Crocker-Langley], pp. 1036, 2272). Thomas, Edward, and Frank Kelly continued to reside at 226 Austin through 1904 (SFCD 1897 through 1904). In 1905 their place of residence changed to 1514 Franklin, between Austin and Pine. The 1906 San Francisco Block Book (p. 468) shows their ownership of the mid-block parcel.

10) **Kelly, Edward and Frank Kelly** (1631 Pine/226 Austin), 1906:

See **Kelly, Edward and Frank Kelly** (1623-1631 Pine), below.

1906 - Ditto (1623 Pine [1906]).

**Kelly, Edward and Frank Kelly** (1623-1631 Pine):

In addition to the previously recorded historical significance of Edward Kelly, Frank Kelly, and their father Thomas Kelly in relation to the noted project site addresses (October 1991 report), other material further supports the earlier findings and conclusions.

Thomas Kelly (died 3 February 1906) was born in Ireland. He came to the United States as a young man, lived in Kentucky for a short period, then moved to California in 1850 to search for gold at the Cedar Creek mines. He settled in San Francisco a short time later.

At the time of his accidental death, he was described as the "proprietor of one of the largest stables west of Chicago," and "one of the best known livery men on the Pacific Coast." "Kelly was highly respected and admired for his business integrity and his staunch character." ("Thomas Kelly Dies From Injuries In Collision," (*San Francisco Examiner*, 3 February 1906, p. 11). The same article notes that Thomas Kelly and Sons also owned a large stable in San Rafael [perhaps operated by his youngest son, Joseph Kelly, who was summoned from there at the time of his father's accident].

Another obituary on Kelly in the *San Francisco Chronicle* (3 February 1906, p. 13: "Aged Man Takes His Last Drive") described him as "one of the pioneer livery stable men of the city . . . ." [According to city directories, a number of livery stables were established prior to Kelly starting his business.]

Margaret Kelly, widow of Thomas Kelly, brought suit against the United Railroads for damages. Kelly's death was caused by a collision with one of the company's streetcars. ("Widow of Thomas Kelly Sues United Railroads," *San Francisco Call* 27 January 1907, p. 42).

Born in San Francisco, Edward Kelly (died 5 August 1922) was selected as a local park commissioner in 1910, and became a member of the federal grand jury in 1913. This activity coincided with his responsibilities with the family-owned stable/garage business, Kelly Garage and Stables (formerly Thomas Kelly and Sons) ("Ex-U.S. Juror Dies Here," *San Francisco Examiner*, 6 August 1922, p. 11). He lived at 1544 Franklin at the time of his death.

Frank Kelly (died 23 September 1932) was also born in San Francisco. Similar to his brother Edward, Frank Kelly's obituary notes that he began in the livery stable business at 1629 Pine in 1880. "Their carriages were always in demand at fashionable weddings and whenever a President came to town the Kellys were called on for their finest turnouts." ("Horseman Dies Dead in Home," *San Francisco Chronicle*, 24 September 1932, p. 7).

Other biographical information on the Thomas Kelly family appears in Lewis F. Byington and Oscar Lewis (eds.), *The History of San Francisco*, v. 2 (Chicago, 1931, pp. 458-60), with regard to a son, Jeremiah Dudley Kelly. Thomas Kelly married the Irish-born Margaret (Kelly) Kelly in New York City, having arrived (1854) in the United States together with her family.

After settling in San Francisco, Kelly "had one of the most important draying businesses in the early days, which he later enlarged into a carriage and livery service" (page 458). According to the authors, this service was "the finest and the most popular livery business in San Francisco" (page 458). Thomas Kelly was influential in local civic and political affairs, a strong supporter of the Republican Party, and worked as the superintendent of the old San Francisco City Cemetery for a number of years.

Byington and Lewis give credit to Jeremiah D. Kelly for successfully managing the transition of his father's livery stable business "from carriage and bus to automobile." As a garage, it contained all the equipment that one would find "in the modern place of this type" (page 459). Jeremiah D. Kelly "is known in San Francisco as one who gives a square deal to all of his patrons, and as a result has constantly growing business, a tribute to the efforts of his honored father before him." (p. 460).

The following paragraph is added to the DEIR on page 81, following the first full paragraph:

"The owners of properties and buildings on the site from 1884 to 1906 ranged from horseshoers and blacksmith firms to Thomas Kelly and Sons, who operated a prominent livery stable business at 1623-1631 Pine Street, which was well known throughout the Pacific Coast region."



Comment

"(Pages 3-4, 42-44, 79-80). The Draft EIR fails to disclose that both contributory buildings have been substantially remodeled. The statement that the 1441-1465 Van Ness Avenue building 'has probably been remodeled' is an understatement. In fact, the building permit history shows that the entire interior of the building has been gutted and replaced, and substantial portions of the exterior have been changed (permits of 1946 and 1984). The building at 1431-1439 Van Ness Avenue was not built as originally designed and the windows were completely changed in 1965.

"The Draft EIR also incorrectly states that the 1629 Pine Street building was built around 1884. In fact, the building as it exists today, and particularly the northern facade on Pine, was not built before 1908 after the earthquake and fire when the building was either completely rebuilt or the third story was added. Much smaller structures were built in 1884 and 1894 but no longer exist. Land title records and Sanborn maps show that the statement regarding uses during the last quarter of the 19th Century is therefore incorrect because the 1623 and 1629 Pine Street buildings did not exist at that time, although some portion of the site was then occupied for stables. The 1623 Pine Street site was not even owned by the relevant family until 1905, at which time the predecessor of the current building was built. It was either completely rebuilt or the third story was added in 1908. Any blacksmith or carriage maker on the site occupied earlier buildings demolished to build the present buildings.

"The Draft EIR states on page 79 that 'in the opinion of the historian, the [1623 and 1629 Pine Street] buildings are potentially eligible for listing in the National Register of Historic Places, at least as part of a potential historic district.' There is no evidence presented either in the Draft EIR or in the background report prepared by the architectural historian which justifies the suggestion that the buildings are eligible. Such unsupported opinion should not be the basis of a statement in the Draft EIR. Under the criteria for evaluation published by the National Register of Historic Places, National Park Service, U.S. Department of the Interior, there are four criteria by which to evaluate properties for National Register eligibility.

"Criterion A states that a property may be eligible if associated with events that have made a significant contribution to the broad pattern of history. There is no suggestion that these buildings were associated with any particular event or a series of events in local, state or national history which made a significant contribution to any pattern of history, nor that the buildings are representative of any particular event or theme of significant historical importance.

"Criterion B permits eligibility of properties associated with the lives of significant persons. No significant person, including the former owners, has been identified with which the buildings are associated.

"Criterion C suggests eligibility in the event that properties embody distinctive characteristics of a type, period or method of construction, represent the work of a master or possess high artistic values. There has been no claim that their architect, Moses Lyons, was recognized as an architectural master. There is no suggestion in the Draft EIR background report that the buildings possess high artistic value, represent the work of a recognized master, or embody distinctive characteristics of a type, period or method of construction. To the extent they represent any style of construction, it is recognized that they have been significantly remodeled and only portions of the original facades or buildings themselves remain. The project sponsor has furnished evidence to the Landmarks Preservation Advisory Board indicating that less than half of the original facades remain intact and expert opinion regarding the buildings' lack of architectural distinction.

"Under Criterion D properties may be eligible if they yield important information in history. There has been no suggestion that this criterion applies; it generally applies to archaeological resources.

"Even when considered as possibly part of an historic district, there is no evidence that such 'district,' assuming that it can be defined, would be eligible for National Register status. To be eligible, a district must possess a significant concentration, linkage or continuity of sites,

buildings, structures, or objectives united historically or aesthetically by plan or physical development. There has been no suggestion of a group of buildings which meets this standard in the immediate vicinity, and certainly not on the block on which the 1623 and 1629 Pine Street buildings sit. The Draft EIR cites the background report's suggestion that 'the buildings are part of a group of structures serving first as stables and carriage houses and later as automobile-related facilities which are closely tied to the development of Van Ness Avenue and Franklin Street.' However, no such group of buildings in the vicinity is identified. No other identified buildings served as stables and later as automobile-related facilities in the vicinity. Nor is there any indication that there are enough of these buildings to form a district or that they are related in any fashion. To the contrary, the Van Ness Avenue Plan itself seems to reflect the fact that almost all of the buildings related to transportation in the Van Ness Avenue corridor were built specifically for automobile-related functions and do not date back to use as livery or stables. This is understandable since Van Ness Avenue was an almost entirely residential street until the 1906 earthquake and fire, after which time it was redeveloped for automobile-related and other commercial purposes. We would, therefore, respectfully suggest that there is no basis at all for the suggestion in the Draft EIR that the buildings are eligible for listing in the National Register, either individually or as part of an unidentified district." (Charles Olson, Pettit & Martin)

#### Response

Buildings such as this can be expected to be remodeled over time. This may or may not affect their significance.

The Page Turnbull report cited in the DEIR on page 46 states that the period of significance of both the 1623 and 1629 Pine Street structures dates from the first decade of this century. Inspection of the buildings now on the site did reveal that vestiges of earlier buildings had been incorporated into them. These earlier buildings did have blacksmith, carriage, livery, or stable-related uses.



It is Page Turnbull's opinion and that of previous surveys, notably that of The Foundation for San Francisco's Architectural Heritage, that the 1623 and 1629 Pine Street buildings are eligible to be placed on the National Register of Historic Places.

Criterion A, which refers to the broad pattern of history, is supported by the continuity of transportation uses of this site (e.g., horseshoeing, blacksmithing, carriage and coach drivers, haulers of large loads, livery stable, bus and auto garage) and several other mid-block sites in the Van Ness Corridor.

Criterion C, which refers to distinctive characteristics of type, period or method of construction, and to high artistic values, is supported by the style and design of the structures – whether or not Moses Lyons may be considered a master.

Page Turnbull believes that the 1623 and 1629 Pine Street structures would be contributory to a district. Heritage has also stated the buildings are eligible to be placed on the National Register on their own.

#### Comment

"(Pages A-44, A-45). The discussion of Downtown Plan categories in Appendix B should be deleted. The Downtown Plan categories are entirely different from the categories applying to the buildings located at the project site, and this information may create confusion over the use of the word "significant" in two substantially different settings. The Draft EIR should also clarify that the definitions in the Van Ness Avenue Area Plan are far less rigorous than those used for architectural and historical research and relate only to urban design qualities." (Charles Olson, Pettit & Martin)

#### Response

Add the following to page A-44 as footnote one to the first sentence under the heading "Van Ness Avenue Plan Categories":

"The Van Ness Avenue Plan, like the Downtown Plan, is an element of the Master Plan of the City and County of San Francisco. Significant buildings are defined in the Downtown Plan and are only listed in the Van Ness Avenue Plan."

## **URBAN DESIGN**

### **Comment**

"The photomontages are not helpful for showing how the project will be seen by the pedestrian along nearby streets. Please provide pedestrian eye perspectives, with indications of where the winds will be excessive marked as well.

"The mode of presenting before and after photomontages used by the Department in EIRs is not helpful. To be useful they should be side by side. This would involve changing the format, but the public would get much better information." (Sue Hestor, Attorney)

"Pages 48, 50, and 51 (Setting) and pages 83, 84, 85, and 86 (Impacts). The EIR uses different standards to assess the project's effects on urban design when one set of criteria must be identified and consistently used. For instance:

- One set of photographs is used to illustrate existing views of the site, and a different set of photographs is used [to] simulate the visibility of the project upon completion. The same views, if not the identical photographs, should be used to depict the site's aesthetic setting and for montages to be prepared. Otherwise, the conditions "before" and effects "after" development cannot be compared, thus negating the purpose and undermining the fairness of the analysis.
- Figure 16 shows the project looking east on Pine and suggests that land uses and building heights are uniformly greater and higher east of the site. Without pairing Figure 16 with a montage of the site photographed from a viewpoint on lower Nob Hill looking west,

the EIR does not document that the project would be out of scale with the residential neighborhoods on both sides of Van Ness Avenue." (Nob Hill Neighbors)

Response

The DEIR provides existing site photos in the Setting Section and photomontages of the proposed project in the Impacts Section. The photomontage setting photos were not included in the DEIR but are shown on pages C&R.89 through C&R.93 as Figures C&R-1 through C&R-5. The photomontages are a representative sample of the proposed project. Montages cannot be prepared for all directions. Figure 20 provides one perspective of the project in relation to the adjacent neighborhood on both sides of Van Ness Avenue.

The wind effects of the project are discussed in the DEIR on pages 96 through 98 and A-57 through A-61. Figure D-1 on page A-61 of the DEIR indicates all wind speed test locations, including those where the 11 mph comfort criteria is currently exceeded or would be exceeded with the proposed project. There is no location where the project would cause the hazardous wind threshold of 26 mph to be exceeded.

Comment

"Pages 49 (Setting) and 87 (Impacts). Other than for orientation (project location), aerial photographs are inappropriate in EIRs because they are intrinsically biased:

- Aerial photographs diminish the existing visual impacts and incompatibility of any buildings which are taller and/or out of scale with surrounding buildings.
- Montages superimposed on aerial photographs similarly downplay the post-development impacts of over-built projects." (Nob Hill Neighbors)



1661 Pine Street  
Pine Street Looking East

Figure C&R 1





1661 Pine Street  
Franklin Street Looking North



Figure C&R 2



1661 Pine Street  
Franklin Street Looking South

Figure C&R 3

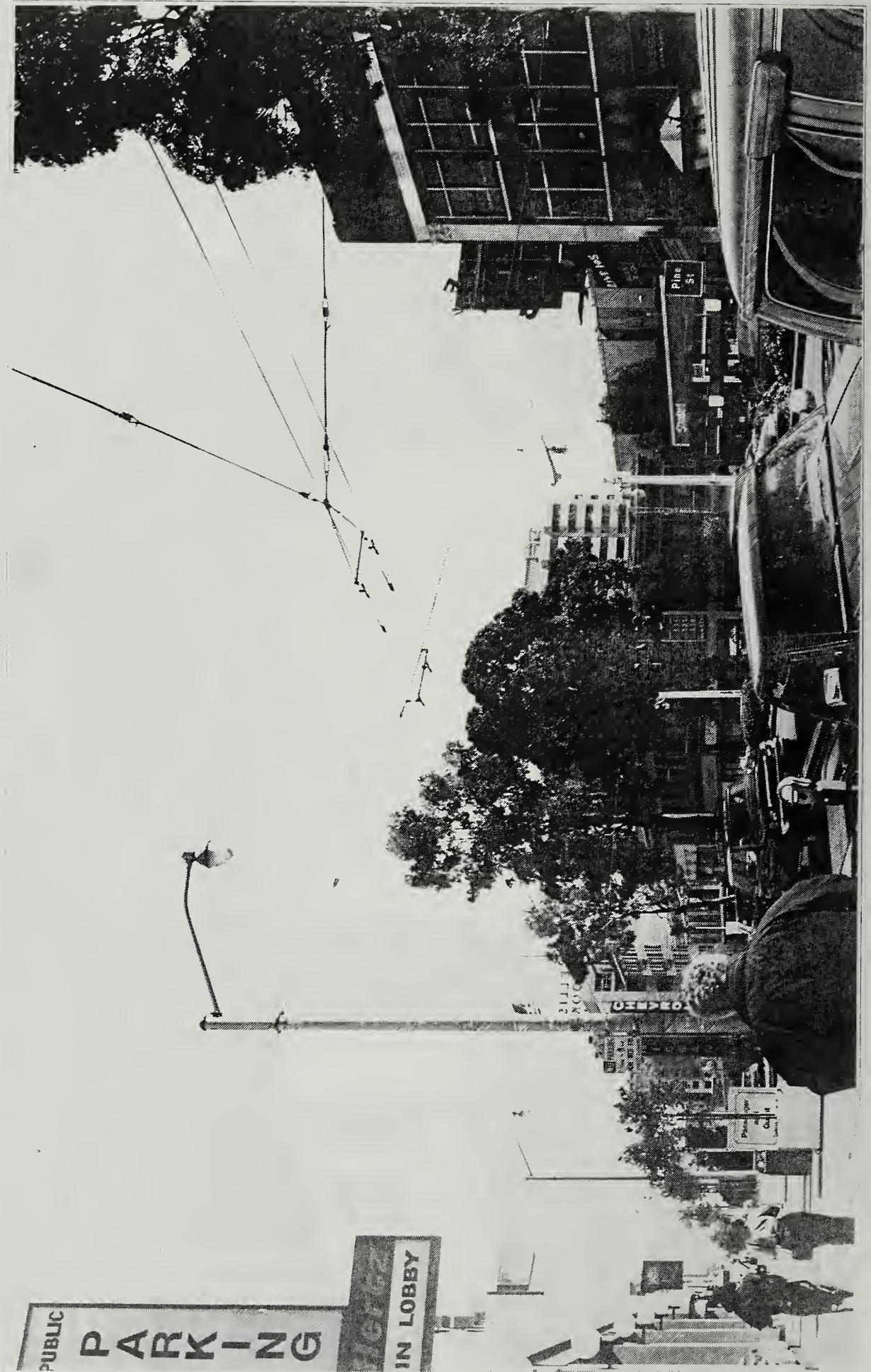


89100



1661 Pine Street  
Van Ness Avenue Looking Southwest

Figure C&R 4

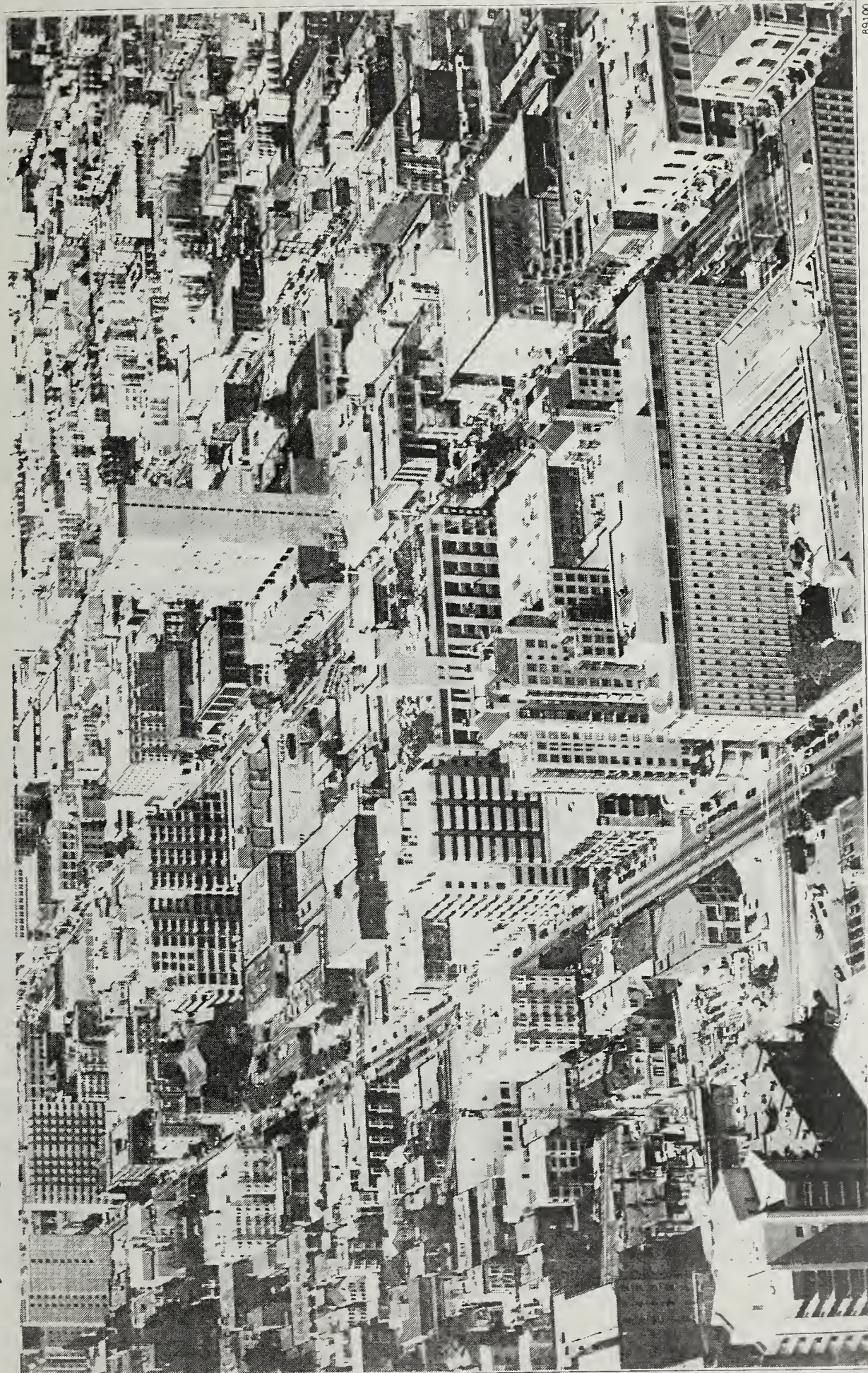




1661 Pine Street

Bird's-Eye Vantage Looking North-Northeast

Figure C&R 5



89100



Response

Please refer to the response to the previous comment. The aerial perspective was included to note the context of other structures in the proposed project area. It was included in addition to pedestrian level montages, rather than in place of them.

Comment

"(Page 82). Shorter than 'some' other buildings is very dishonest. There is only ONE building on the map that exceeds this project in height – the Holiday Inn which everyone agrees is an urban design disaster. Even 1700 California is only 10 stories in height – and it steps back dramatically.

"'Similar in size' refers to the photos. Tell us which buildings they are, describe height, bulk and location. It appears that none of them are massed on their entire block. The photos are very selective and distort reality. We are not birds." (Sue Hestor, Attorney)

"(Pages 4-5, 39, 47-52, 82-89): The Draft EIR does not correctly describe the setting for the proposed project from the point of view of urban design and visual quality issues. In particular, the Draft EIR fails adequately to indicate the extent to which projects of greater and similar height (11 to 20 stories) and scale, primarily for residential purposes, have recently been built or are under construction along both Van Ness Avenue and Franklin Street and along the intersecting east-west Post, Sutter, California and Sacramento Streets. No reference at all is made to figure 20 where a number of such buildings are quite visible and which, if updated today, would show the substantial new complex between Post and Sutter west of Franklin. The height and scale of the project fits in well with the prevailing trend of new residential developments in this part of the city, as discussed on page 39 of the Draft EIR with respect to land use. Even older residential structures visible at the top of figure 20 demonstrate the prevalence of larger residential buildings built over the last 20 years in this neighborhood and even earlier. The last paragraph of page 89 should be expanded to indicate that the project



would not appear higher or larger than other recent projects in the Franklin-Van Ness corridor."  
(Charles Olson, Pettit & Martin)

Response

As mentioned in the Project Description in the DEIR, page 24, the proposed project would vary between nine and 13 stories. Page 39 described 13 projects in the area, nine of which are 11 stories or higher. Figure 8, page 38 in the DEIR provides the number of stories in a one- to two-block radius of the proposed project. The photomontages (Figures 16 to 20, DEIR pages 83 to 87) all display one or more structures that appear as high or higher than the proposed project. These include the block-long 9- to 11-story 1258 Post building, the 9-15 story Daniel Burnham Court on Post Street, the 12-story 1388 Sutter Plaza, the 11-story 1700 California Street building, the 26-story Holiday Inn on Van Ness, the 17-story 1835 Franklin Street building, and the 11-story 1890 Clay Street building. The proposed project occupies an entire half-block, not a full city block.

Comment

"I was in another care facility, life care facility, up in Medford, Oregon, just about three weeks ago. It was a marvelous place, not just because of the program, but because of the way it was configured. And this is one of the things that we need to look at for a project like this, is that if you make it one in which it becomes a fortress, this is what it will become. It will not relate to the neighborhood. And that neighborhood needs a lot of relating to.

"It is a marvelous neighborhood. I have lived in that neighborhood ever since, I would say, almost 40 years. I have lived in numerous places in that neighborhood, and it is one that I don't want to move out of. Probably if they build this, and I can afford to get into it, I would love to get into it, but it's one of those things that my concern, and a lot of the concerns of the Nob Hill Neighbors is the fact that if they make it a fortress-like building, and it is perceived as such, it will not have the relationship with the community that is needed. I think that what we can do

is look at the height and bulk impacts, look at possible other alternatives to bring it into a more livable configuration." (Enid Lim, Nob Hill Neighbors)

Response

As noted in responses to comments on pages C&R.15 and C&R.48, the project has been redesigned to appear less "fortress-like." The project sponsors desire a structure that would relate to the neighborhood as much as possible and still provide the necessary amenities for a life care facility. The City Planning Commission will consider the design of the building at the Conditional Use application hearing.

Comment

"I am also a little concerned about the urban design impacts of the disparity between the three- and four-story buildings across Franklin Street and the 13-story tower that would front those, whether the urban design guidelines and policies about that type of leap from three and four stories up to thirteen in one place." (Commissioner David Prowler)

Response


The buildings directly across Franklin Street from the project are three to four stories (as shown in Figures 8 and 20, pages 38 and 87 respectively in the DEIR). The City Planning Commission will consider this issue during its review of the Conditional Use application.

**AIR QUALITY AND CLIMATE**

**WIND**

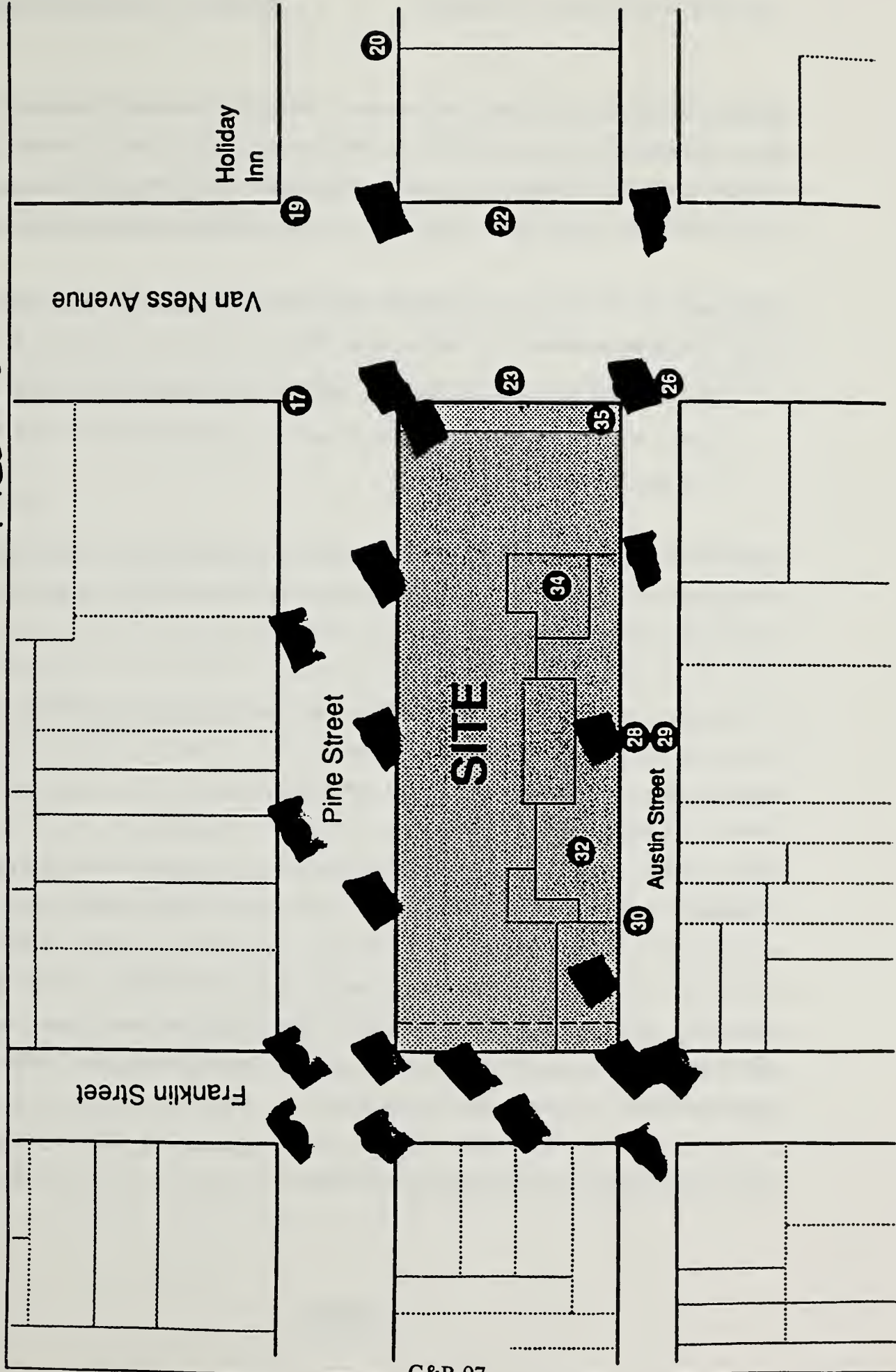
Comment

"The second [comment] is about wind impacts. Then our Figure 3 [page C&R.97], is about wind impacts, and we have marked in – it says "raspberry color," which is ridiculous – the places where the wind, according to the DEIR, is to increase, and we have marked in yellow

 INCREASE IN WIND VELOCITY  
DECREASE IN WIND VELOCITY

1661 Pine Street  
Location of Wind Speed Measurements  
Commenter's Exhibit

**FIGURE 3**





the places where the wind impact is to decrease. We did this because the prose of the DEIR seems to indicate that it's about a trade off, that there are wind increases in some places and wind decreases in other places. When you see it called out like this on this map, you will realize that it is not a trade." (Anne Bloomfield, Pacific Heights Residents Association)

"(DEIR pages 5, 97, A60-61). The summary sentence about winds, which appears three times in the DEIR, gives a mistaken impression. It reads:

'The proposed project would generally increase wind speeds along Franklin and Pine Streets, with some locations having increased wind speeds and others having decreased wind speeds.'

"According to the map and chart of wind speed locations (page A-61; see PHRA Figure 3) all of the locations with decreased wind speed are on or east of Van Ness Avenue, or else on the alley (Austin Street).

"The Planning Code requires that new buildings in the Van Ness Special Use District (VN SUD) be designed to avoid causing ground level wind currents to exceed 7 miles per hour in public seating areas and 11 miles per hour in areas of pedestrian use.

"The proposed project would approximately double wind speeds at five of the eleven measurement locations along Franklin Street. It would increase wind speeds at every measurement location on Franklin Street and every one on Pine Street west of the Van Ness intersection. At two of these locations the proposed project would increase wind speeds beyond the 11 miles per hour mandated in the VN SUD. At three of the six measurement locations on open space within the project area, wind speeds would be greater than the 7 miles per hour seating area comfort criterion of the VN SUD.

"PHRA proposes the summary sentence should read:

'The proposed project would greatly increase wind speeds along Franklin and Pine Streets west of Van Ness. Some location[s] on Austin and on or east of Van Ness Avenue would have decreased wind speeds. Of the ten locations on or east of Van Ness, five would still have wind speeds over the pedestrian comfort level of 11 mph.'

"These wind impacts should be especially considered in light of the proposed project's expected use as a life care facility. Seniors who are frail or who have precarious balance are more affected by wind speeds than average non-seniors." (Charlotte Maeck, Pacific Heights Residents Association)

#### Response

Figure D-1 on page A-61 of the DEIR shows the location of the wind speed measurements. In the context of San Francisco, the area is not unusually windy. As stated on page 97 of the DEIR, overall wind speeds would increase on Franklin Street; in two locations at the easterly corners of the site, wind speeds would be from one to two miles per hour above the 11 mph comfort criterion.

Wind speeds would also increase along Pine Street, but the comfort criterion would not be exceeded at any location. Along Van Ness Avenue where existing wind speeds exceed the comfort criterion at most locations, the DEIR analysis shows an overall slight decline in projected wind speeds, but the amount of decline is within the estimated margin of error.

The overall wind environment near the project would be very similar to existing conditions in terms of the range of winds experienced by pedestrians along the sidewalks and the frequency of potentially uncomfortable winds. Changes in the wind environment would most likely be imperceptible to the average pedestrian traversing the environs of the site, except for the east side of the Franklin Street/Austin Street intersection.

The DEIR on page 97 concluded that the two locations on the east side of Van Ness Avenue currently exceeding the one hour per year hazard criterion would not be affected by the project because the wind speeds there are entirely controlled by the existence of the Holiday Inn building.

Wind speeds caused by the proposed project are not at such levels as to cause any potential hazard for seniors. The significance of the potential impact would ultimately be determined by the City Planning Commission in its consideration of the project as it relates to Section 243 of the City Planning Code.

Delete the first two sentences in the final paragraph on page 97 of the DEIR and add the following:

"The proposed project would increase wind speeds along Franklin and Pine Streets west of Van Ness, particularly near the building corners at Franklin/Pine and Franklin/Austin. Some locations on Austin and on or east of Van Ness Avenue would have decreased wind speeds. Of the ten locations on or east of Van Ness, five would still have wind speeds over the pedestrian comfort level of 11 mph."

Comment

"Winds - note calm conditions only 2% of the time on site. But the main information on location and speed of winds is hidden in the appendix, where less important information is put. This should be part of the main text wherever there is any violation of wind speed standard. This project has many such violations." (Sue Hestor, Attorney)



Response

The notation of a "2% frequency of calms" in the DEIR Appendix D refers to the wind data base used for wind impact analysis; this data base is from a wind measuring site located in the Civic Center and is not a statement of on-site conditions.

Exceedances of the pedestrian comfort criterion and the wind hazard criteria for the existing site and with the proposed project are summarized in the text of the DEIR on page 97, which also references the detailed background wind information in Appendix D, page A-61, for EIR readers interested in that level of detail.

Comment

"(Page 96). Why are there no wind projections for Polk? Why is there no discussion of how the wind policy of the Van Ness Avenue Plan is violated by this project? See page 54. Violations occur at locations 19, 20, 21, 22 and conditions worsened to 11 mph at 18." (Sue Hestor, Attorney)

Response

The extent of the wind tunnel measurements is based on knowledge of the likely extent of wind impacts for a given building size and location. The proposed building is not sufficiently large to have any measurable wind effects that could extend to Polk Street.

A discussion of compliance with the VN SUD wind policies in the City Planning Code is found on pages 97 to 98 of the DEIR.

Comment

"You see wind problems. Some of the winds are going to go over 26 miles an hour, which is considered hazardous. So then the same thing. 'Well, look, the pedestrians. We understand it's going to be hazardous, but the developer, the project. That's what counts . . . .' No, sir.

You make them change the building so there is no 26-mile-an-hour winds." (Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition)

Response

As noted on page 97 of the DEIR, the proposed project would not generate wind conditions above the hazard criterion of 26 miles per hour. There is little that can be done with the massing of the proposed project that could significantly alter the wind conditions on Van Ness Avenue.<sup>3</sup>

Comment

"Things like looking at, particularly, the height of it, because we are looking at wind patterns as has been spoken of before.

"One of the things that really caught my eye, just last month, was the Polk Street Fair. And normally it's very nice and calm. There isn't that much wind on the street, et cetera. But because of several high-rises that have been built along the corridor, it was extremely windy. A lot of the booths got knocked down or they had to find other ways to tie that down. So, even to be a block away, the wind patterns have changed. I have noticed it myself. And walking along Van Ness is not necessarily an easy job, even now, and if you put more wind into the valley, so to say, it's going to be worse." (Enid Lim, Nob Hill Neighbors)

Response

The wind effects created by a building are not only determined by size. Ground-level wind accelerations near the buildings are controlled by exposure, massing and orientation. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller

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<sup>3</sup>Don Ballanti, certified meteorologist, telephone conversation, October 1, 1992.

structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed.

Massing is important in determining wind impact, because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above-ground or at ground level.

Orientation determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction will have a greater impact on ground-level winds than a building oriented with its long axis along the prevailing wind direction.

It is not usually possible to determine a building's wind effects based on size alone. For this reason, the project was subjected to wind tunnel testing to empirically measure wind impacts. Ambient wind on any given day varies widely, thus, it is difficult to pinpoint cause without measurements over time. The proposed project would probably not cause any measurable wind effects on Polk Street due to the intervening buildings between Van Ness Avenue and Polk Street.

#### Comment

"(Pages 5, 54, 78, 97, A-60, A-61). The Draft EIR concludes that the proposed project would result in a net increase of wind speed in excess of the 11 mph comfort criterion for pedestrian areas at two sidewalk measurement locations (three locations increase above the 11 mph criterion and one is reduced to below criterion levels as a result of the proposed project). Two of the seven locations projected to have wind speeds over 11 mph are located on Franklin Street outside the Van Ness Special Use District area and therefore are not subject to its requirements. The net increase of locations where the winds would exceed 11 mph at street level is therefore zero within the Van Ness Special Use District." (Charles Olson, Pettit & Martin)



Response

Section 243 of the Planning Code applies to buildings in the VN SUD and wind changes in or out of the VN SUD caused by portions of the building within the VN SUD.

Comment

Also, the Draft EIR repeatedly discusses the 7 mph criterion for public seating areas and states that this criterion would be exceeded at several outdoor plaza locations proposed for the project. The requirements of Planning Code Section 243 (c)(8) expressly apply to public seating areas, and not to private open space such as that proposed." (Charles Olson, Pettit & Martin)

Response

On page 98 of the DEIR, discussion of the open space created by the project is provided as general information and did not imply that the area was for public seating. The commenter is correct in that the requirements of the Planning Code would not apply to the open space in the proposed project.

Comment

"This wind thing is just going a little too far. The finest properties in San Francisco are wind blasts – I mean, Nob Hill, Russian Hill, Sutter and Powell . . . nothing could be worse than Sutter and Powell. Where I live, Pacific Heights at Laguna and Pacific, I mean, there is wind when I go out of the house, and it doesn't blow me down. There are a lot of other more pertinent problems on this." (Ruth Marie Ponting)

Response

While wind is apparently not a concern to this commenter, it is of concern to others, and there are City Code standards, plan policies and environmental analyses that address the issue of pedestrian wind conditions.

Comment

"I'm Professor Emeritus of Aerodynamics. My former student is Chief Astronaut, Robert Britain in NASA. So my book is used by 40 countries and [in] this country by Harvard and Princeton staff. That's why I am [a] qualified speaker about the wind.

"The wind usually comes from north and the west, mostly from the west. The west above Gough, is about – I never measure – at least about half of the stories of the building. It wouldn't come out that the wind to not turn to lower, it has no effect on people walking on the street. On the other side, from the north, is the 1700 California Street. That's about ten or eleven stories high. It's in there. The St. Francis Tower is [the] building parallel to that, has no effect at all." (Professor Yuen)

Response

Wind tunnel studies conducted for the proposed project are the best information available to analyze and disclose wind effects.

SHADOW

Comment

"What assumptions are being made regarding buildings to be constructed to the south, southeast, and southwest of the project in terms of sunlight on the south-facing open spaces? If a project similar to this come in to the south, do they lose their sun?" (Sue Hestor, Attorney)

Response

The proposed project is designed to have terraces and enclosed open spaces on the south side of the building (Figure 5, page 28 of the DEIR). If structures over 60 feet in height were built immediately to the south, southeast and southwest of the project, some of the south-facing open spaces may receive additional shadows, particularly in winter months. It is, however, difficult to speculate as to the location and extent of potential new

shadows on the project, and CEQA does not require analysis of impacts that are too speculative.

Comment

"The shadow information does not state whether the shadows will ever go to Polk. Shadows on Polk affect its climate – it is a very important commercial and residential street. If shadows go to Polk at all, provide diagrams and explanatory narrative. Shadow diagrams stop at 3:00 PM. Polk has heavy pedestrian activity in late afternoon. Discuss." (Sue Hestor, Attorney)

Response

Maximum shadows generated by the proposed project would occur in the late afternoons generally in late fall or early winter (Figure 21, page 91 in the DEIR). Shadows from the proposed project are unlikely to fall on sidewalk locations on Polk Street as intervening buildings would intercept any project-generated shadows that could potentially reach Polk Street. It is possible that project-generated shadows could be cast on the Polk Street/Pine Street intersection in the late fall and early winter afternoons.<sup>4</sup>

TRANSPORTATION

Comment

"The discussion of Table 10 on page 106, second paragraph, incorrectly references the chart on page 109 instead of page 107." (Gary Adams, Caltrans)

Response

In the first line in the second paragraph on page 106 of the DEIR, reference to page 109 should be deleted and replaced with "page 107."

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<sup>4</sup>Noah Kennedy, CADP, telephone conversation, October 1, 1992.



Comment

"The traffic study should provide diagrams for trip distribution, assignment, and traffic flow depicting the directional turning movement volumes (ADT, AM, PM and weekend peak) at studied intersections with the following conditions:

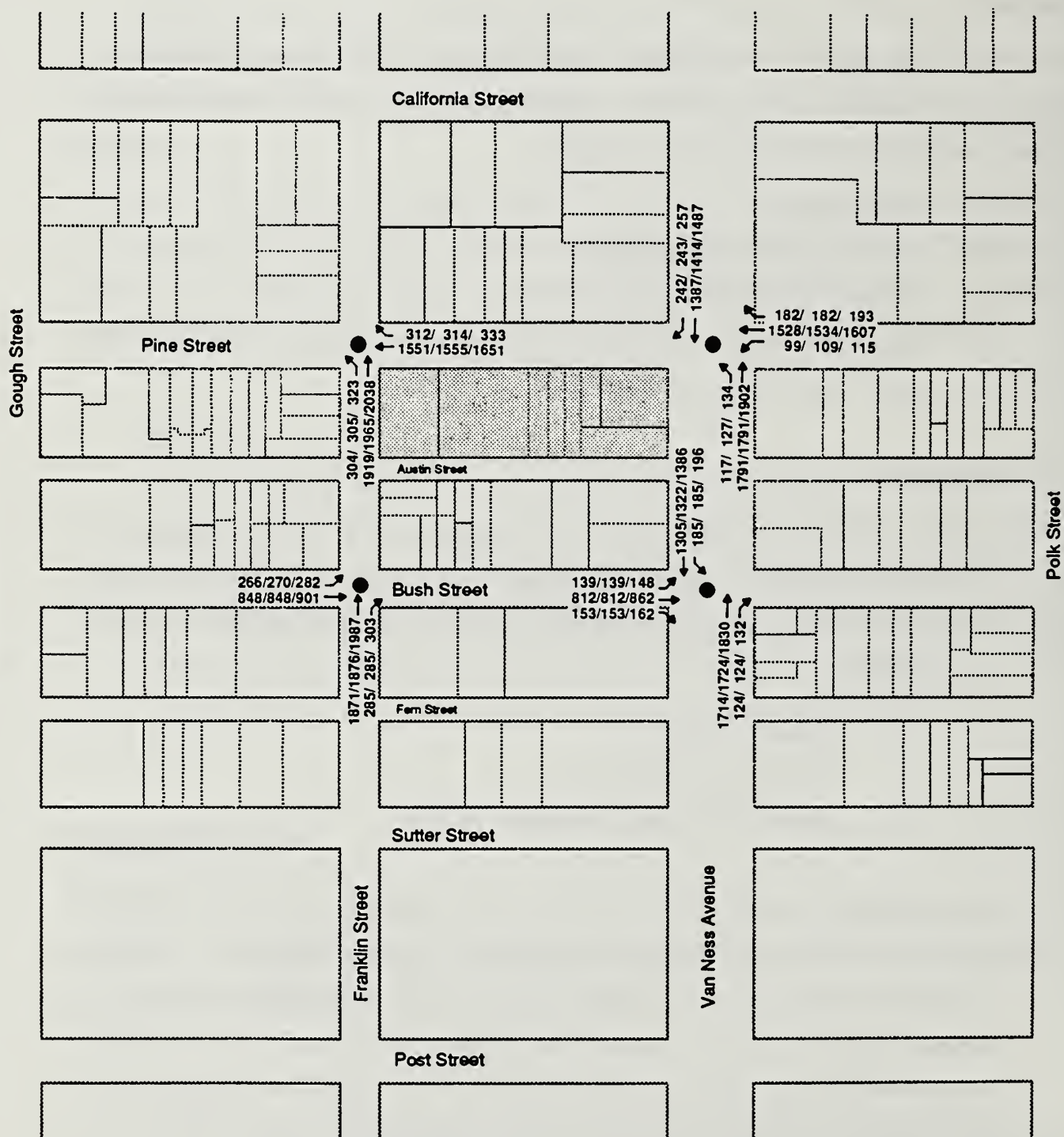
- existing traffic;
- future year 2000 without project;
- future year 2000 with project; and
- future year 2000 with project plus cumulative development of projects in the area." (Gary Adams, Caltrans)

Response

The City and County of San Francisco, Department of City Planning, *Guidelines for Environmental Review: Transportation Impacts*, July 1991 was followed for this study. As outlined in the guidelines, the following scenarios were analyzed for the weekday P.M. peak hour:

- Existing conditions;
- Existing plus project; and
- Year 2000 cumulative (including project).

Figure C&R-6, showing the P.M. peak-hour traffic volumes at study intersections for each of the three scenarios above, is provided on page C&R.108. Vehicle trip distribution was also based on the City guidelines. The trip distribution used for the project is shown in Table 9 on page 105 of the DEIR. Assignment of project traffic was based on existing travel patterns in the study area. The P.M. peak hour has the maximum traffic volumes on which the worst case environmental analysis is based. ADT, A.M. and weekend peak data provides useful background information, however, weekday P.M. peak data reflects the most critical time period on area streets.



00/00/00 Existing/Existing + Project/Cumulative (including project)

NOTE: Assumes Austin Street is One-way Westbound



Project Site



Comment

"The traffic study should also provide a list and location map of cumulative development projects in the area. These projects should be described in terms of land use, type, size and associated trip generation rate." (Gary Adams, Caltrans)

Response

As outlined in the City and County of San Francisco, Department of City Planning, *Guidelines for Environmental Review: Transportation Impacts*, July 1991, a 0.67 percent annual growth rate is recommended for all projects in the area generally bounded by Market Street, Franklin Street and the Bay. This growth rate was applied to existing traffic volumes to develop year 2000 volumes at study intersections. For this reason, a graphic showing cumulative development is not provided. Page 39 of the DEIR and Table C&R-1, pages C&R.38 and C&R 39, provide a history of residential developments in the area that have been recently completed, under construction, approved or currently under review. The Van Ness Area Plan EIR discusses overall cumulative transportation impacts of buildout to the year 2000 in the plan area.

Comment

"To better explain the Standard Traffic Engineering Resources in Appendix C, page A-51, the study should clarify that traffic data used from the ITE Trip Generation, 4th Edition (1987) and the Fifth Caltrans' Progress Report (1969), could not be found in the more current ITE Trip Generation, 5th Edition (1991) and the 10th Caltrans' Progress Report (1975)." (Gary Adams, Caltrans)

Response

The following sentence is added after the second sentence in the first paragraph, line 4, page A-51:



"No information on senior residential trip generation can be found in the more recent ITE *Trip Generation*, 5th Edition, 1991, and the Tenth Caltrans *Progress Report*, 1975."

Comment

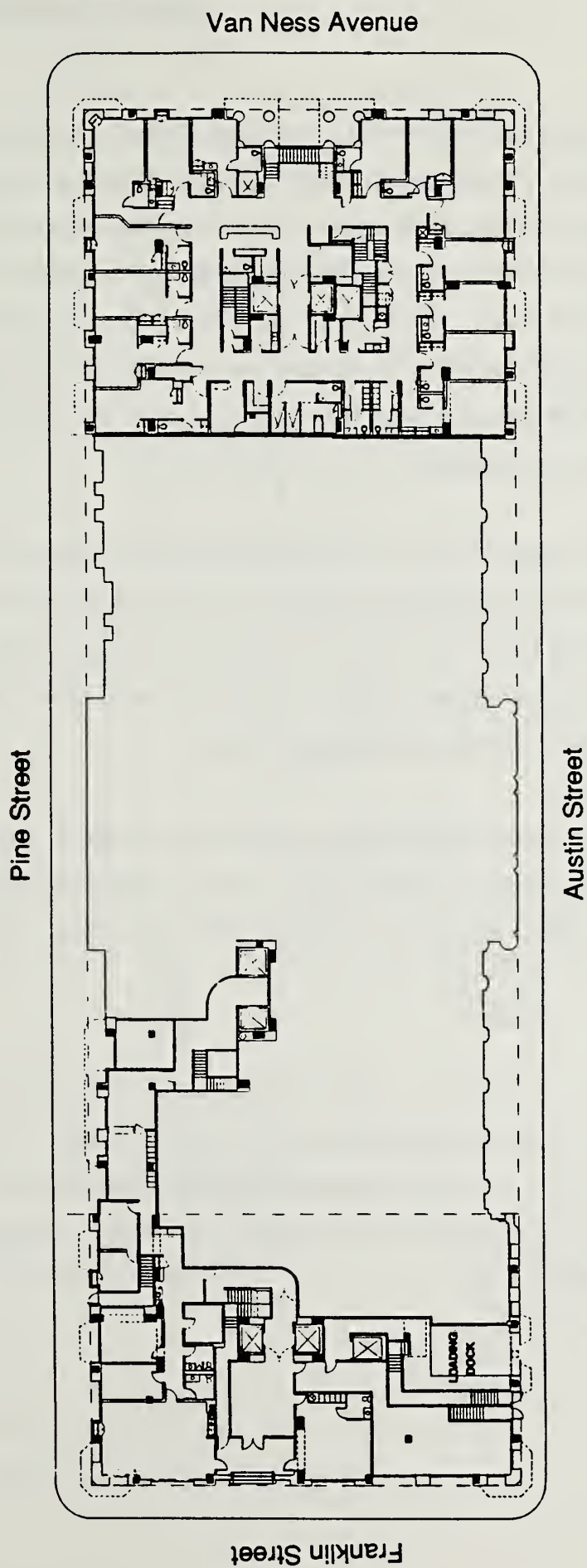
"I have a couple of points which I think need to be also addressed in the EIR, and I feel it is not adequately addressed. One aspect is the analysis that was done for service vehicles. It appears to me, just as a lay person, with respect to transportation, that if you have a maximum projection of 80 service trips per day, that two loading stalls is not going to take care of that, therefore Austin Alley becomes a parking lot." (Commissioner Frank Fung)

Response

Truck and delivery vehicle traffic impacts are discussed on pages 112 through 114 in the DEIR.

The proposed project provides two loading docks, as required by City Code, facing Austin Street. The larger dock is 12 feet by 35 feet, shown on Figure 2 on page 25 of the DEIR. The 10-foot by 25-foot dock is closer to Franklin Street and is shown on Figure C&R-7, page C&R.111. In addition, delivery vans can enter the project garage and off-load on the second level in spaces near the two elevators in the lobby.

The 80 daily service trips described on page 113 of the DEIR equate to 40 vehicles serving the project on a daily basis. This would be the maximum daily vehicle deliveries expected to the project. Most of the deliveries to the project are expected to be by single-unit trucks, such as stepvans (e.g., about 15-19 feet long, the size of a UPS van), that would be of short duration (less than 20 minutes) spread out during the day. It is expected that queuing and stacking of delivery vehicles would be non-existent or minimal during most periods. The project sponsor's facilities in Santa Rosa and Oakland average



two deliveries per day with trucks longer than 25 feet. A maximum of five project delivery vehicles are expected in the P.M. peak hour in the future worst case years. Larger delivery vehicles and vans would have to maneuver several times to back into the loading bays on Austin and this could cause temporary interference with or blockage of traffic on Austin Street. These blockages would not be of a degree that could be considered a significant effect on the environment under CEQA Guidelines. However, changes to the loading plan could be considered through the Conditional Use process in order to improve this situation.

Figure C&R-8, page C&R.113, is a maneuvering diagram that shows the turning radius of a 19-foot vehicle for both loading docks. The parking spaces near the loading docks on Austin would have to be removed to allow for turning clearance of the delivery vehicles. Large trucks (tractor-trailer) over 30 feet would have to park in Austin Street and load/off-load in front of the proposed project.

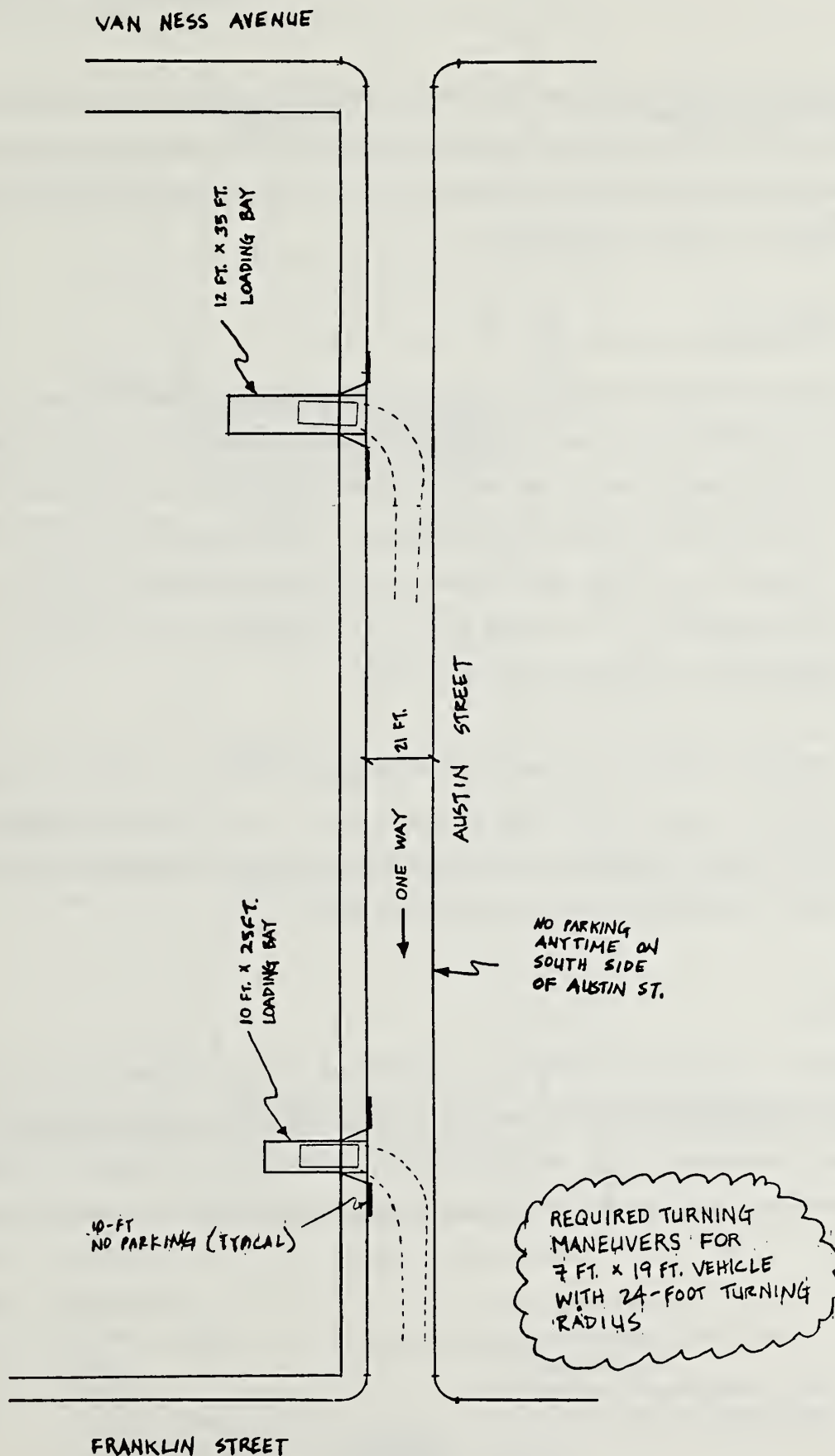
The following sentence is added to the last sentence on DEIR, page 130:

"The project sponsor would request that the City remove the parking spaces near the loading docks on Austin Street to allow for turning clearance of trucks."

Comment

"Transportation issues are there also. We know that seniors, for a lot of reasons, use more public transportation. And it is good that they do. I am, quote-unquote, a transportation expert. That's my field of work. I was really surprised to see in the DEIR, the No. 45 Greenwich listed as one of the lines. The 45 Greenwich hasn't been on Van Ness for the last two years." (Enid Lim, Nob Hill Neighbors)





"I was unaware that the 45-Greenwich MUNI line still operates on Van Ness Avenue. The segment on Van Ness previously connecting the Sutter/Post couplet and Union Street was discontinued about five years ago, and the 45-line was rerouted over Russian Hill to Columbus and Stockton." (Nob Hill Neighbors)

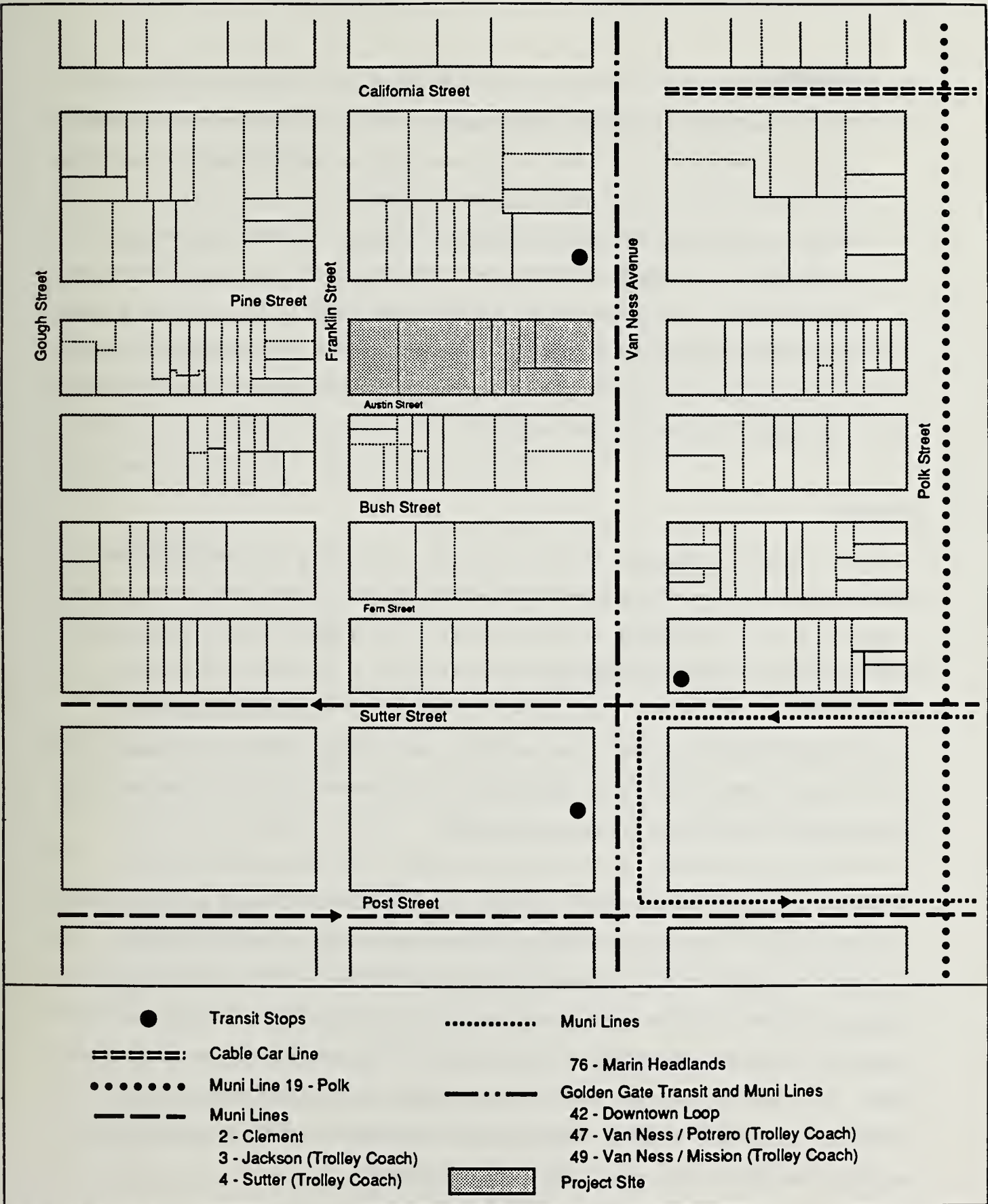
Response

The commenter is correct, Route 45 was changed in October 1988 and no longer runs on Van Ness Avenue near the project. Instead, it currently crosses Van Ness Avenue at Union Street. As the new route is further than one-quarter mile from the project, it would not effectively serve project residents. The discussion of Route 45 on the bottom of page 57 is no longer valid. Route 45 has been eliminated from Figure 15 on page 58. The assumptions in the transit analysis are still valid and the impacts on transit use attributable to the project are still accurate.

Revised Figure 15 is included herein on page C&R.115. The last four lines at the bottom of page 57 have been revised to read: "The 76-Marin Headlands runs along Sutter Street, one block south of the project site, providing services on U.S. 101 to points northward across the Golden Gate Bridge.

Comment

"(Page 102). The project sponsor's St. Paul's Towers site in Oakland does not have transit accessibility comparable to that at Van Ness and Pine, nor does it have a pattern of transit usage anywhere comparable to that in San Francisco. As a result, the degree of vehicle usage projected for the proposed project is almost certainly overestimated." (Charles Olson, Pettit & Martin)



SOURCE: DKS ASSOCIATES





Response

The proposed project would have more available transit than St. Paul's towers in Oakland and would probably have a higher vehicle ownership rate than St. Paul's. (This is due to the fact that the St. Paul's facility has been in operation and the average age of tenants is older than the initial population at the proposed project. This is discussed on page 111 of the DEIR. The trip generation survey of St. Paul's (discussed on page 102 in the DEIR) indicated a 30 percent vehicle trip share, and the 30 percent vehicle trip share applied to the project appears reasonable in the near term. As the average age of project residents increases, vehicle usage would decrease, so the 30 percent mode split probably overestimates vehicle use in the long term.

Comment

"I must commend the Episcopal Homes Foundation for pursuing a much needed housing alternative for our community. However, I have substantial concerns regarding the impact this project will have on my property located at the corner of Van Ness Avenue and Austin Alley (1415 Van Ness Avenue) Block 666, Lot No. 4.

"The proposed main entrance for ingress and egress to the garage is located approximately 40 ft. in from the corner of Van Ness and Austin Alley and directly across the street from my building which is occupied by a restaurant and bar.

"I am opposed to using this area for an entry and exit as Austin Alley is very narrow, and was never designed to be a two-way street nor support the amount of traffic this project will generate. There will no doubt be a severe bottle neck of vehicles carrying residents to and from the project, visitors, employees, deliveries for this facility as well as delivery trucks entering and exiting 1415 Van Ness, as our loading dock is located in the same opposite location on Austin Alley. Also, the restaurant relies heavily on valet parking with passenger drop off and pick-up occurring frequently on this corner. In my opinion, this will cause a safety problem for vehicles and pedestrians trying to get around and avoid the congestion.

"I feel strongly that Austin Alley remain a one-way west bound street, that the entry/exit and loading docks be relocated to a safer, more feasible location(s) which will not disrupt and endanger our neighborhood.

"I also believe the EIR did not adequately address the traffic impact at this location since the restaurant and bar was not in full operation." (Andrew Varlow, Varlow Enterprises)

"(Page 113 - Austin Street). Turning Austin into a two-way street appears inconsistent with City policies for similar narrow alleys. Removing all parking penalizes a neighborhood which has severe tow-away problems. Is this in the works? How wide is Austin? What effect on nearby properties and businesses?" (Sue Hestor, Attorney)

#### Response

Specific issues raised by the commenters are discussed below:

**Traffic Bottle-neck on Austin Street due to Project Vehicles.** The project would generate a maximum of 40 P.M. peak-hour vehicle trips on Austin Street. Traffic counts conducted by DKS staff in August 1989 indicate the past uses of the project site, including the gas station on the corner of Franklin and Pine, generated more peak-hour trips than the proposed project. The auto entry court on Pine Street would be used by vehicles visiting the project. Austin Street would be used primarily by residents and staff accessing the garage and by delivery vehicles. Garage access and loading docks are located on Austin to avoid potential traffic conflicts on Franklin, Pine or Van Ness Avenue. In addition, as the average age of the project residents increases, vehicle use is expected to decrease. It does not appear that traffic operations on Austin Street would deteriorate significantly as a result of the project, although some congestion may occur. Project-generated pedestrian traffic would not use the Austin entrance and would probably not conflict with Austin/Van Ness traffic. Further, pedestrians should be on

sidewalks and not Austin Street itself. As part of the project, sidewalks on Austin Street would be improved to City standards.

**Conflict with Restaurant Traffic.** The peak-commute period is typically earlier (4:00-6:00 P.M.) than the peak-restaurant period (6:00-9:00 P.M.). It is anticipated that project-generated vehicles on Austin would not conflict with restaurant vehicles due to the different hours of peak-period use, and the low volume of traffic in the peak periods (i.e., project-generated traffic would be spread out during the day).

**Deliveries and Loading.** Most deliveries would be made during off-peak hours primarily by stepvans and single-unit trucks that could use the loading docks off Austin Street without the need for multiple turning movements. See response to comment on pages C&R.110 through C&R.112.

**Austin Street Should Remain One-Way Westbound.** Approximately the same number of project vehicles would use Austin Street whether it remains one-way or is designated two-way. Designating Austin Street two-way would improve circulation and access for project residents and delivery vehicles, and traffic conditions of nearby intersections such as Van Ness Avenue/Pine Street (pages 113 and 133). However, Austin Street is only 21 feet wide, which may create conflicts between wide trucks and other vehicles if made two-way. Although there are no City regulations for minimum width of a two-way street, 24 feet is a common standard.<sup>5</sup> To accommodate two-way traffic, on-street parking would need to be removed from Austin Street (13 on-street spaces). At this time, the City has no plans to designate Austin Street two-way, and it is listed as an Improvement Measure on page 133 of the DEIR, simply as a suggested method for improving minor traffic circulation issues in the project vicinity.

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<sup>5</sup>Peter Woo, Department of Transportation, personal communication, September 30, 1992.



Comment

"(Page 55 - bicycles). Very confusing without a map. Also Pine and Post are parallel and do not intersect." (Sue Hestor, Attorney)

Response

A copy of the Preferred Commute Bike Route (Map 6) from the *San Francisco Master Plan, Transportation Element* is included as Figure C&R-9 on page C&R.120. In addition, the commenter correctly notes that the bike route on Post Street is incorrectly identified. The second sentence of the fourth paragraph on page 55 of the DEIR has been changed to read as follows:

"Additionally, Post Street west of Gough Street, Pine Street between Polk Street and Larkin Street, Gough Street between Post Street and Geary Street, and Webster Street south of Jackson Street have been designated as Preferred Commute Bike Routes."

Comment

"(Page 56). Map should show where turns are permitted and barrier island down Van Ness, including turn pocket." (Sue Hestor, Attorney)

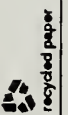
Response

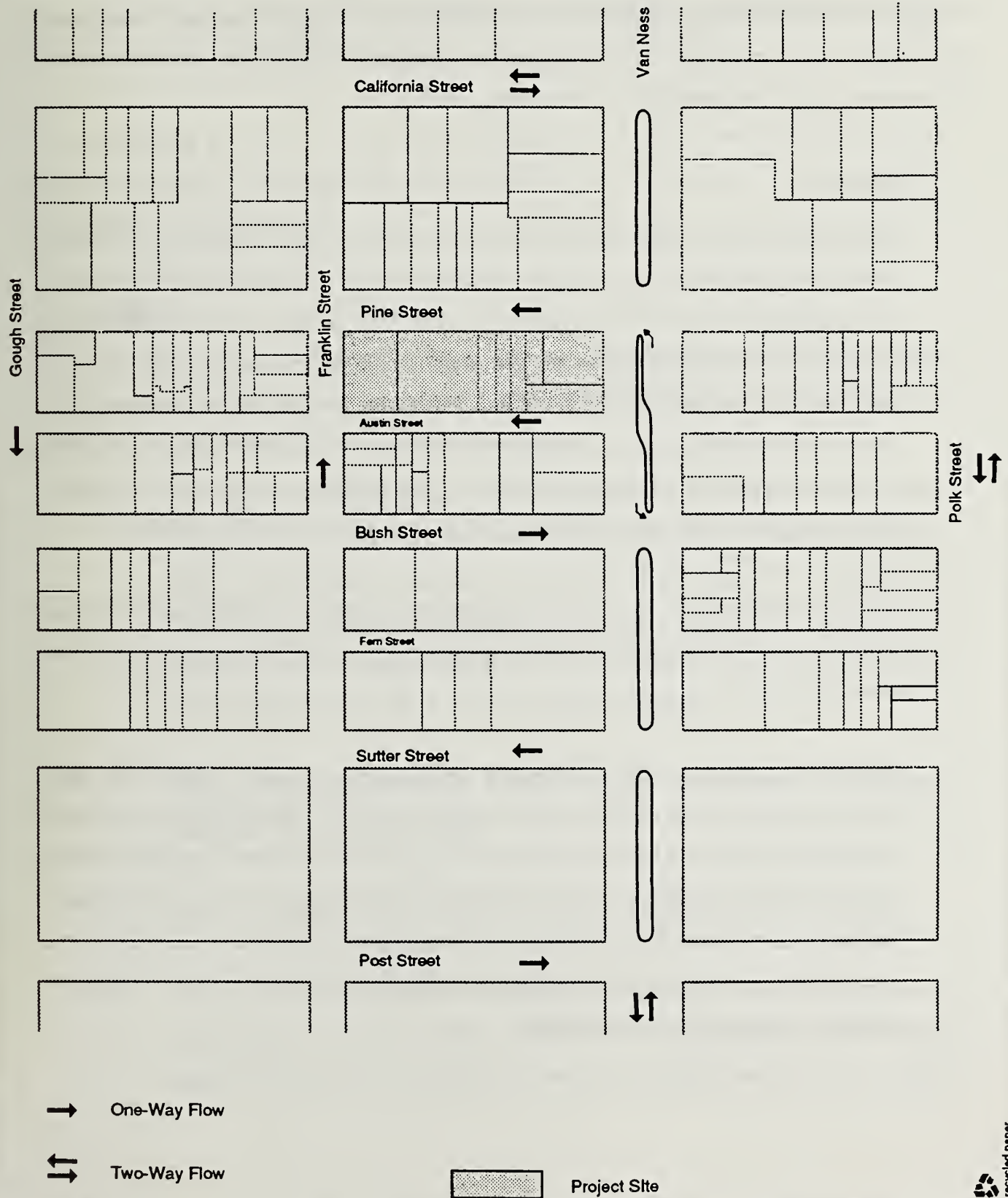
Figure 14, page 56 of the DEIR and page C&R.121 of this document, has been revised to show where turns are permitted and the placement of the barrier island on Van Ness Avenue.



This map was compiled in cooperation with the San Francisco Bicycle Coalition, the Department of Public Works, and the California Department of Transportation, District 4.

The routes, for the most part, are unsigned and not recommended for novice cyclists.







Comment

"(Page 57). Discuss likely pedestrian routes to MUNI in terms of grade and wind conditions. Also traffic volume and speed on map on page 56. That map is really quite pathetic in terms of conveying helpful information." (Sue Hestor, Attorney)

Response

Project users would ride the transit services on Van Ness Avenue in front of the building, Polk Street, one block away, and Post and Sutter two or more blocks from the project. The pedestrian routes would be down or up Van Ness Avenue (a two to four percent grade) or on Pine Street (a three to four percent grade) to Polk Street. The Van Ness entrance to the proposed project is the closest to transit services and the one most likely to be used by project tenants, visitors, and employees. Wind conditions on Van Ness Avenue are shown on page A-61 of the DEIR. Due to the large west face of the Holiday Inn, the windiest area near the project is on the east side of Van Ness Avenue.

Given the location of the transit lines, the pedestrian routes to the MUNI stops by project residents are likely to be direct from the proposed project and independent of grade and wind conditions.

The P.M. peak-hour traffic volumes for the existing and future scenarios at study intersections are shown on Figure C&R-6, page C&R.108. Observations by the traffic consultant on study area roadways indicate that vehicle travel speeds during peak periods are constrained by traffic volumes and congestion near the project site. In general, peak-period travel speeds on Bush, Pine and Van Ness Avenue range between 20 and 30 mph. Van Ness Avenue is also Route 101 with a posted speed limit of 25 mph. At other periods, vehicle speeds may be higher.

Comment

"(Page 111). High resident/car ratio incompatible with SF planning assumptions shifting folk out of their cars." (Sue Hestor, Attorney)

"One more thing is, you are talking about parking. We worry about the traffic, not the extension of parking. If that car does not move during the two rush hours, it does not affect City traffic." (Professor Yuen)

Response

The DEIR on page 111 discusses the assumptions for determining the estimated vehicle ownership rate of the proposed project. The projected vehicle per resident ratio is 0.9 and is based on the following considerations:

- The vehicle ownership patterns (i.e., ownership by new residents, longer term residents, etc.) at other project sponsor-operated facilities in Oakland and Santa Rosa. The information gathered ranged from 0.5 (for long-term residents of the Oakland facility) vehicles per dwelling unit to 2 per unit (for new residents of the Santa Rosa facility) depending on how long the residents has lived at the facility (new residents had a higher ratio of vehicle ownership).
- Other senior life care facilities in San Francisco. The Sequoias, for example, indicated 1.0 vehicles per unit.
- City and Caltrans data sources, which indicated about 0.9 vehicles per unit.
- Profile of potential tenants at the proposed project. As noted in the response on page C&R.23, a senior household with a home in San Francisco which has been paid off over time, and possibly other savings, plus social security income, could

qualify for the minimal fee. (This would mean, initially, an annual income of approximately \$30,000.)

- Existing reservations for the proposed project, which indicate 0.9 vehicles per unit.

It is expected that prospective tenants would own a vehicle when they move to the proposed project. However, based on surveys at comparable facilities operated by the project sponsor and at other similar facilities in the City, many residents would use transit although they own vehicles. In addition, as the average resident age increases, vehicle use would decrease, if not actual automobile ownership. The 0.9 vehicle per resident ratio is a reasonable assumption for the proposed senior life care facility. This is a conservative assumption for EIR traffic and parking analysis.

## PARKING

### Comment

"On Page 22, Footnote 2, it talks about excessive parking. And this is a policy question here. And when you get into this, it talks about senior parking and all of these calculations on doubling, but when you come down to the bottom line, the City has said, 'If you build senior

housing, you can get twice as much in an NC District.' You can get twice as much housing as you can if it's not senior housing. And it reduces the parking ratio at the same time.

"So the parking ratio in projects, in the senior projects, are one to four and one to five because the assumptions are that seniors are not going to have cars in the same ratio as the general population, and yet this project has 250 dwelling units and 225 car spaces. And you read these against several parts in the EIR.



"And my question is: Why so much parking? The parking drives up the cost of the building, and it goes against all of our planning assumptions for the central City. In the central City, we don't want to encourage parking, and this is in the central part of the City when it's on Van Ness Avenue. There is terrific transit there." (Sue Hestor, Attorney)

"(Page 22). The parking is much too high in this project. Footnote 2 – senior projects get a doubled FAR because of assumptions regarding their reduced ownership and use of cars. [Episcopal Homes] wants it both ways – the higher number of units allowed in NC, and additional parking as well. Explain the transit first priorities in downtown San Francisco and how parking is generally limited in both senior and central city projects. The huge amount of parking makes the building a lot more massive, encourages increased auto usage and impacts, and ultimately drives up the cost of the project itself." (Sue Hestor, Attorney)

#### Response

Planning Code Section 151 establishes a reduced off-street parking requirement for dwellings specifically designed for and occupied by senior citizens. This off-street parking requirement is separate from the issue of meeting anticipated parking demand. Planning Code Section 304 requires that, in approving any planned unit development under that section, the City Planning Commission must determine that the proposed development provides off-street parking adequate for the occupancy proposed. The DEIR projects a parking demand of approximately 270 spaces. The proposed project includes 252 off-street spaces, primarily to accommodate the residents of the proposed project, most of whom would be expected to own automobiles when they enter the facility. In addition, the project would have more employees than a typical residential development (DEIR page 110), which contributes to the parking demand.

Although the proposed project is well served by transit, the project sponsor believes that it is important to the sense of independence and well-being of the proposed project

residents to own and keep an automobile at the facility. On-site parking is also safer for the residents.

A review of parking requirements for downtown, Van Ness Special Use District, and Neighborhood Commercial Districts follows.

In the downtown C-3 Districts, the residential parking requirement is one parking space for every four dwelling units. Senior housing, defined in Code Section 209.1(m), requires one-fifth the amount of parking as residential units, or one space for each 20 units of senior housing.

The VN SUD requires one space for each dwelling unit. However, Section 243(c)(7)(I) allows reduction to one space for each four units by the Zoning Administrator. Senior Housing calls for one space for five housing units.

For the NC Districts, such as the Polk Street NCD and the NC-3 District, both of which about the VN SUD, one parking space is required for each dwelling unit. Section 161(j) allows reduction of this figure through the Conditional Use provisions of Section 303. Senior housing calls for one space for five housing units.

The Transportation Element of the General Plan gives priority to meeting the needs of residents for safe, convenient and inexpensive travel within the City (Objective 1); improving transit service (Objective 3); developing transit as the primary mode of service to and from downtown (Objective 4); and regulate the amount of parking in residential areas (Objective 12). The Code requirements reflect the Master Plan for "Transit First" policies by allowing less parking in the downtown area than the areas outside downtown.

Because all parking at the proposed project would be provided below grade it would have no affect on the size of the building above ground. If the below-grade space in the

project were used for some other project purposes (such as a swimming pool, gym, or other maintenance facilities), the building could be smaller, but only marginally, as most of the project uses other than parking are not suited to below-grade locations where natural light is limited.

Comment

" . . . given the interest of the parking off Austin near Van Ness, I don't think the EIR adequately addresses the impact if people are queuing there, the impact of people making U-turns, given the busyness of both Pine Street and Van Ness." (Commissioner Frank Fung)

Response

Given the trip generation of the project, the location of the project garage entrance on Austin and the projected level of traffic on Austin, it is not expected that any queuing would occur on southbound Van Ness turning onto Austin or on Austin (unless on the rare exception a large semi-truck is parked on Austin blocking traffic). See the discussion of loading/deliveries on Austin Street on pages C&R.110 through C&R.112, and C&R.117 and 118. The issue of U-turns on Van Ness Avenue at Pine Street is discussed on pages 113 and 114 of the DEIR, particularly with respect to delivery vehicles using Austin Street. U-turns at Van Ness Avenue/Pine Street intersection would be difficult during much of the day, particularly morning and evening peak periods. The project would contribute 10 additional left or U-turns at Van Ness Avenue/Pine Street during the peak hour (an increase from 117 to 127 turns). As many as two or three vehicles could be waiting to U-turn on Van Ness Avenue during the P.M. peak hour. Project users northbound on Van Ness Avenue should be encouraged to use Pine Street to Van Ness Avenue to Austin, or Franklin Street to California to Van Ness Avenue to Austin to avoid U-turns on Van Ness Avenue at the Pine Street intersection.



Comment

" . . . the parking analysis, I believe, also lacks a rigorous analysis. It has very little discussion of the impact of the accessory uses. We have no idea whether those accessory uses will generate additional traffic. I am not convinced of the numbers that are currently in that particular section on the parking analysis." (Commissioner Frank Fung)

Response

The traffic consultant has conducted a comprehensive analysis of estimated parking demand and supply based on comparable uses in the Bay Area. The results of the analysis are discussed on pages 108-112 of the DEIR. The parking analysis was separated into employee demand, visitor demand, and resident demand. This was based on the number of units and square footage of retail space. There would be approximately 58,000 square feet of personal care, kitchen, congregate dining room, lounge, and program recreational space uses (identified in Table 1 in the DEIR, page 20 as "accessory uses"). The use of these spaces, however, would not generate additional parking demand as the project is restricted to tenants and visitors. Most employees would use transit to get to the project site (estimated demand of 30 parking spaces and maximum demand of 50 parking spaces for approximately 210 full and part-time employees). Visitor demand would be about 15 off-street parking spaces. Additional on-street parking could be available, as well as other off-street parking facilities. The estimated project demand for residents is 225 parking spaces.

While project parking demand and trip generation are related, they are calculated differently. Project parking demand is discussed above. Peak-hour vehicle estimates for the project were based on surveys conducted at comparable sites and City of San Francisco standards. The peak-hour vehicle trip generation estimate for the project was made assuming 30 percent of all trips (person trips) were made by auto. The total peak-hour vehicle trips include resident, employee, visitor, and delivery trips. The project would generate a total of about 78 P.M. peak-hour vehicle trips. The remaining trips

would be visitor, employee, and delivery trips. In addition, the availability of transit to the project would tend to reduce private auto trips, especially as the average age of the residents increases.

Comment

"Why no guarantee for bike parking?" (Sue Hestor, Attorney)

Response

The project sponsor is willing to provide secured bicycle storage facilities for commuters and short-term visitors to the life care facility and to provide showers for use by employees to encourage bicycle and walking as commute alternatives for employees in the project. City Code Section 155(j) requires one bicycle space for each 20 off-street parking spaces provided. Figure C&R-10 on page C&R.130 shows the location of 13 spaces ( $250 \text{ spaces} \div 20 = 12.5$ ).

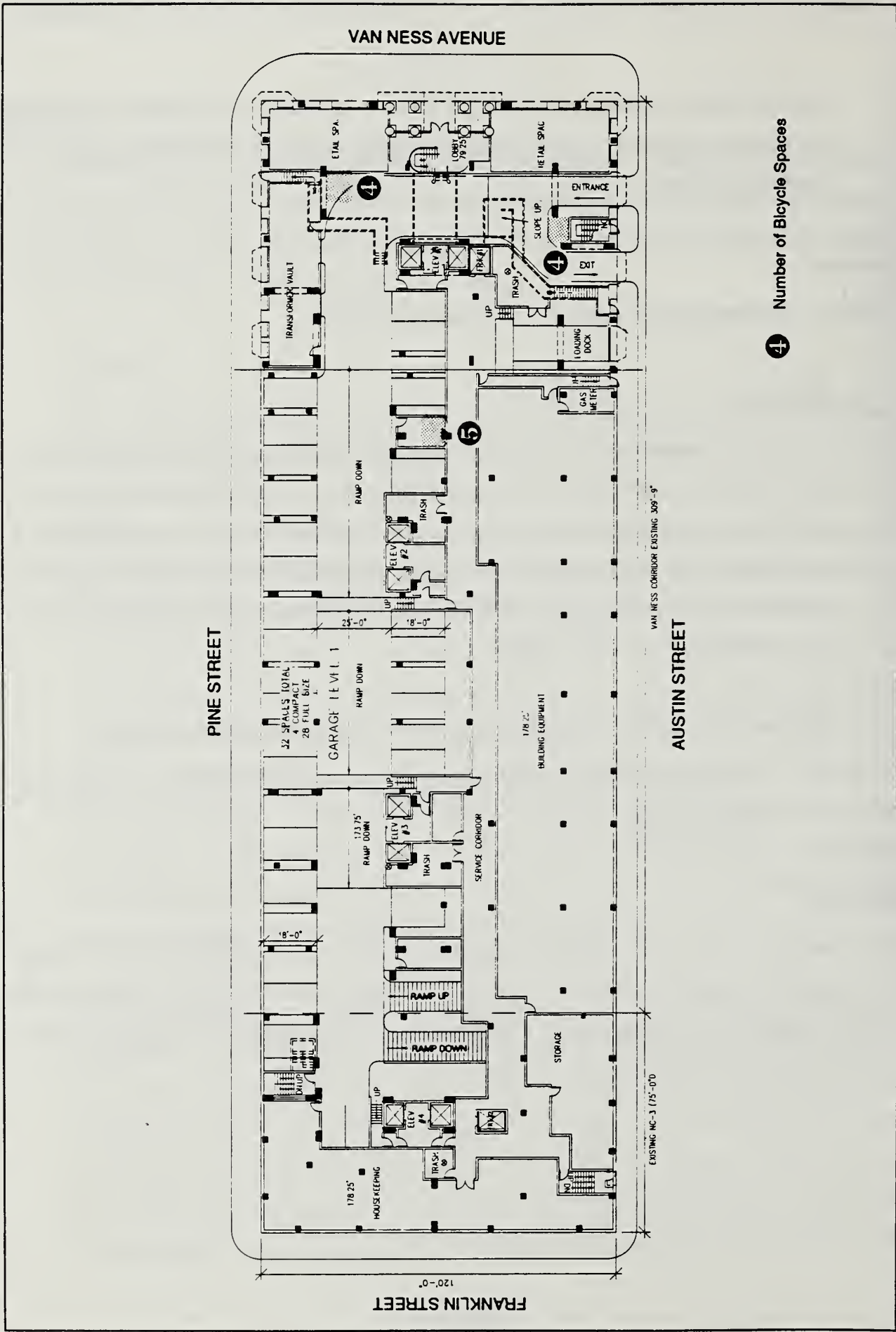
The text of the seventh paragraph, page 131 of the DEIR is revised to read:

"The project would provide 13 secure bicycle storage facilities in the first floor parking garage, . . . ."

Comment

"The Total Low Demand and Estimated Project Demand for parking spaces on Table 11, page 112, have been incorrectly tabulated. Parking space figures should be 170 (not 250) and 270 (not 170) respectively. Furthermore, the table should also include the total for proposed number of parking spaces." (Gary Adams, Caltrans)

1661 Pine Street  
Garage Entry Level Plan / Garage Level 1 / Location of Bicycle Spaces  
Figure C&R 10





Response

The commenter notes correctly that some of the figures in Table 11 on page 112 in the DEIR are incorrect. Table 11 is revised as follows: The total number of parking spaces for Low Demand should read 170 (not 250). The total number of parking spaces for Project Demand should read 270 (not 170). The total proposed project parking supply total should be 252 (not 250).

Comment

"(Page 62). Original traffic analysis was done when prior to 10/89." (Sue Hestor, Attorney)

Response

Original traffic analysis was conducted on August 14, 1989 before the October 1989 Loma Prieta earthquake. As stated on page 62 of the DEIR, post-earthquake counts were conducted in September 1991 at the study intersections and used for analysis. The results of the analysis are presented in the DEIR. The analysis in the DEIR supersedes any previous analysis.

Comment

"(Page 109). Why is the garage being built only for such a high front end demand, that will expire after a few years? Why not consider an alternative off-site garage nearby for the ten years or so it will take for the demand to drop?" (Sue Hestor, Attorney)

Response

It is anticipated by the project sponsor that resident-generated parking demand would decrease modestly from the initial demand as the population of the facility ages and fewer residents own cars. If the number of spaces provided exceeds demand generated by the proposed project at some time in the future, the unused spaces could be designated visitor spaces or otherwise be made available for use by the public. The project sponsor

believes that an alternative of fewer spaces would not be acceptable to the potential residents because most prospective residents own automobiles and continued ownership and accessibility to automobiles is important to the elderly residents' sense of independence (see section on Alternatives, pages C&R.164 through C&R.174).

## LOADING

### Comment

"On page 113, paragraph 3, the discussion on access to the service loading docks proposes that service trucks, using northbound Van Ness Avenue, be directed to the site by using Pine Street (east) to Van Ness Avenue (south) to Austin Street. This is not possible because Pine Street is one way westbound. Please include an appropriate trucking route that would minimize traffic impacts to State Route 101 in the Final EIR." (Gary Adams, Caltrans)

### Response

The intent of this statement was to describe vehicles arriving from the east (westbound). The City supports any effort to avoid a U-turn at Pine and Van Ness, by directing northbound project-oriented traffic to Franklin or east of Van Ness (and turning at Pine Street).

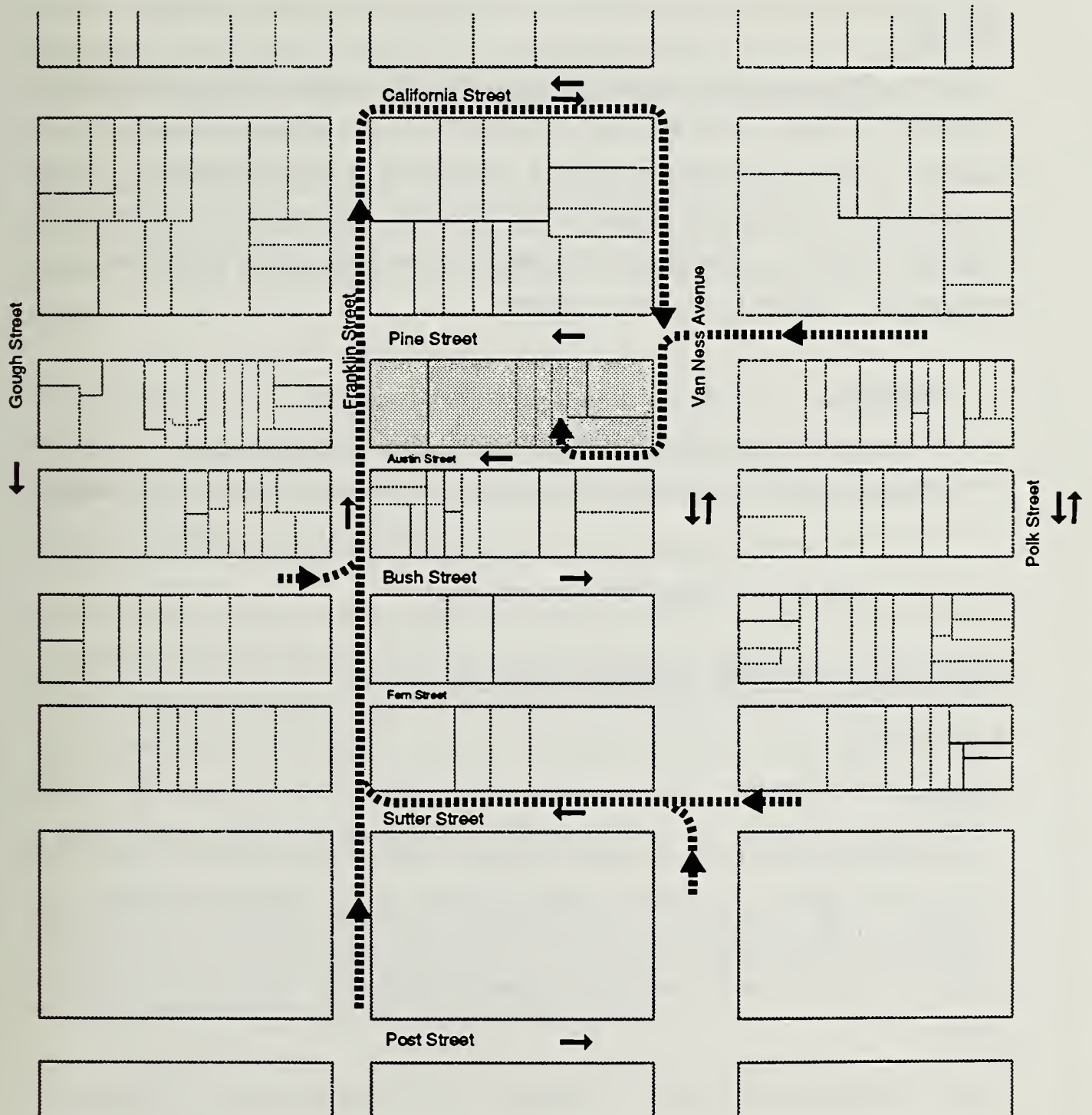
The language on page 113, paragraph 2, line 8 is revised to read as follows:

"The project sponsor would request from project vendors that all deliveries to the site traveling northbound on Van Ness Avenue would avoid U-turns at Pine Street by traveling on Pine (which is westbound) prior to Van Ness Avenue, and then making a left turn southbound onto Van Ness Avenue and then a right turn onto Austin Street."

Figure C&R-11 on page C&R.133 shows the recommended truck routes for the project. Also see response to comment on pages C&R.117 and C&R.118.

# 1661 Pine Street Recommended Truck Routes Inbound to Project

Figure C&R 11

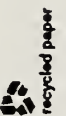


→ One-Way Flow

↔ Two-Way Flow

NOTE: Austin Street is One-way Westbound

 Project Site



SOURCE: DKS ASSOCIATES

FEET  
0 100 200





## **HAZARDS**

### **Comment**

"(Page 65). The last paragraph on this page of the Draft EIR is both confusing and inaccurate. Hazardous wastes are defined in terms of elevated levels of a substance exceeding certain thresholds. There can be no environmental contamination without the presence of either hazardous material or hazardous substances. It is also not true that remediation of such materials is invariably required; it depends upon the potential adverse effects on the environment or on public health." (Charles Olson, Pettit & Martin)

### **Response**

For purposes of this analysis, environmental contamination can occur without the defined threshold levels being exceeded. The last sentence on page 65 should read as follows:

"Remediation (clean-up) of such materials is generally required when various standards of contamination are exceeded."

## **POPULATION, HOUSING AND EMPLOYMENT**

### **POPULATION**

#### **Comment**

"I do not believe that the Draft Environmental Impact Report sufficiently describes the need for this kind of a facility. And I have spent a good deal of time studying this report. My professional career has been in the field of human services and particularly for that group of people of which I am now a member, the seniors in our society. And we are growing in number.

"The graying of America is a phenomenon well documented by all of our demographers. Our society is addressing many needs right now, the needs of the homeless, the economically disadvantaged, the abused, the disabled, the unemployed, and this is very commendable. But we must not forget the needs created by the dramatically increasing elderly population.

"Housing and health care are two of the primary needs faced by senior citizens. The 1661 Pine Street project not only addresses these needs, but will send a positive sign to other potential sponsors who have the capacity to provide appropriate housing and health care to our older citizens.

"The concept of life care proposed at 1661 Pine Street is one which I strongly support and advocate. One of my last official acts at the Hearing Society before my semi-retirement was to organize a hearing and vision health care day at St. Paul's Towers in Oakland. And we have heard from residents of St. Paul's today.

"Members of our staff and of other community agencies provide assistance to many dozens of the residents of St. Paul's, assistance related to both hearing and vision problems which affect significant numbers of older people. The very capable staff members of St. Paul's were assisted by volunteers from among their own residents in carrying out the day's activities. St. Paul's provides the support services necessary for its residents to maintain themselves independently in the community, while also assuring them whatever life care may be necessary in the future.

"Please note that I did refer to volunteers from among the residents of St. Paul's. This is a social note that is not acknowledged in the report, the draft report, which will be of consequence to San Francisco when the 1661 Pine Street facility is built.

"For example, I was one of the founders of the Mayor's Council on Disability here in San Francisco. If I am able to become a resident of 1661 Pine Street, I hope to be able to continue this volunteer work on behalf of the people with disabilities here in San Francisco, just as many

of the other potential residents will be able to continue or to resume volunteer activities in a wide variety of community, social and cultural activities. Such a resource, a manpower pool, if you will, is urgently needed by our community.

"The 1661 Pine Street project will lay the ground work for our own retirement years by strengthening the commitment of our great City to setting high standards for housing and health. The Draft Environmental Impact Report really should so indicate this." (John Darby, Hearing Society)

"I would like to comment on the fact that the Draft Environmental Impact Report does not deal sufficiently, in my judgment, with the growing number of seniors residing today in San Francisco, the limited number of health services in the City, the complex needs of the senior citizen, and the potential displacement of seniors, as well as the attributes of the Episcopal Homes Foundation." (Edgar W. Pye, St. Paul's Towers)

#### Response

In general, CEQA does not require a discussion of the need for a proposed project to be included in EIRs. For informational purposes, the following discussion is provided on the senior population of San Francisco and the project area.

As shown in Table C&R-2, page C&R.137, the 1990 Census indicated that the total population of San Francisco was 723,959, of which 105,380 (14.5 percent) were 65 or older.

The total number of households was 305,984, of which 69,167 (22.6 percent) were householders of 65 or older.



TABLE C&R-2  
1990 CENSUS DATA

	Census Tract for the Proposed Project (CT 151)	Census Tracts East of Van Ness (CTs 111, 120, 122)	City
Total Population	1,794	15,782	723,959
Over 65	381 (21 %)	2,108 (13 %)	105,380 (14.5 %)
Number of Households	1,113 (0.3 % of City)	8,370 (2.7 % of City)	305,984 ---
Number of Householders 65 or Older	306 (27 % of tract)	1,429 (17 % of tracts)	69,167 (22.6 % of City)
Number of 65 or Older Householders Earning \$50,000 or More	40 (3.5 % of tract)	59 (0.7 % of tracts)	13,279 (4.3 % of City)
Number of 65 or Older Householders Earning Less Than \$15,000	126 (11 % of tract)	808 (9.6 % of tracts)	26,869 (8.8 % of City)
Number of Householders 65 or Older Above Poverty Level	290 (26 % of tract)	1,233 (14.7 % of tracts)	62,116 (20.3 % of City)
Number of Householders 65 or Older Below Poverty Level	16 (1.4 % of tract)	196 (2.3 % of tracts)	7,051 (2.3 % of City)

Source: U.S. Census, Office of Analysis and Information Systems, San Francisco Department of City Planning.

In San Francisco, 9.9 percent (or 10,151) of persons 65 years and over lived below the poverty level. This is compared with the State level of 7.6 percent of persons 65 years and over living below the poverty level, which is 2.3 percent lower than the rate for San Francisco.

Of the 69,167 senior households in San Francisco, 13,279, or 20 percent, have annual incomes of \$50,000 or higher. There were 26,869 senior households, or 39 percent, having annual incomes under \$15,000. There were 13 percent of the total householders under the age of 65 in the City that had incomes of less than \$15,000. Householders under the age of 65 that earned \$50,000 or higher represented 12 percent of the total number of households in San Francisco.

A review of the table reveals that the census tract in which the proposed project is located has a higher percent of householders 65 years or older (27 percent versus 22.6 percent citywide) who tend to have higher incomes than the citywide percentage (see response on pages C&R.57 and C&R.58). The census tracts to the east of the proposed project have a smaller percent of householders 65 or over than the City average and lower incomes than the citywide percentage.

Comment

"I am writing to express the support of CASE for the life-care facility for seniors proposed for San Francisco on Pine, Van Ness and Franklin streets by the Episcopal Homes Foundation.

"As a Coalition of Agencies Serving the Elderly, the CASE membership is acutely familiar with the problems faced by an increasingly growing population of seniors. Our membership and board of directors have been briefed on the details of the proposed project and find that we share a consensus with the goals of providing care, companionship, compassion and a wide range of skilled health services to the elder citizens of San Francisco.

"The proposed project will not only provide an opportunity to serve the elderly, but will boost the economy of the City at a time when it is sorely needed.

"We urge you to join us in support of this project in a timely and expeditious manner." (Robert Trevorrow, Coalition of Agencies Serving the Elderly)

Response

The comment speaks to support the project and does not pertain to environmental issues. It is hoped that the commenter will present these opinions at the public hearing on the Conditional Use application for the project. No further response is necessary.

HOUSING

Comment

"Another concern that I have is that the EIR does not evaluate the affordability of the proposed units to various income groups. And I think that should be looked at. One of the fundamental principles for the consideration of the Van Ness corridor as a suitable site for senior housing when the Van Ness Avenue Plan was initially prepared was to promote construction of affordable housing. Therefore, the DEIR does not assess the extent to which the project would fulfill one of the underlying aims of the Van Ness Avenue Plan." (Enid Lim, Nob Hill Neighbors)

Response

The issue of affordability of the units is discussed on page C&R.22 and C&R.23. Most middle income seniors who have equity in a house could qualify as residents. Low income housing is provided by the project sponsor at other facilities. Affordability is generally not an environmental issue as defined under CEQA and is more appropriately addressed as a Conditional Use issue in the context of the Van Ness Area Plan and other City policies.

Comment

"The other concern I want to mention – it's my understanding that Episcopal Homes did do housing mitigation funds to replace the residential hotel that they are removing and that those went to a project South of Market. I believe they gave more than they needed to give, and I want to commend them for that. But it is also a concern that if residential housing is going to



disappear in a neighborhood, it shouldn't be put across town. Otherwise, what we are going to see over time is that people are going to remove low-income housing throughout the City, and every, low-income person is going to be living in the Tenderloin and South of Market. That is not going to make for an improvement of those areas, and I think it will make it more difficult for the City to really feel like those are neighborhoods anybody is going to want to go into, if they become only more intense and only more impacted." (Kelley Cullen, Franciscan Brother)

#### Response

The project sponsor would provide replacement units in the Canon Kip project for the affordable units formerly contained in the Gita Hotel. The proposed project would provide housing commensurate with or more affordable than many other units in the project area, although, as a life care facility, it is difficult to compare the proposed project with other residential projects. Affordable residential housing is available and planned in areas of the City other than South of Market and the Tenderloin.

#### GITA HOTEL

##### Comment

"There was an enormous hearing in November of 1991, which I have my notes of, that said that before this came back to the Planning Commission, there needed to be a resolution of the Gita Hotel, which is the residential hotel, because there was a big dispute on that. The EIR doesn't even really talk about the Gita Hotel, how many units, how many tenants, what is their rental rate, what is the relocation plan, because there are several things that this project violates in terms of the standards that were expected in the Van Ness Avenue Plan. And demolition of a residential hotel is one of them. This is not a good thing in this project.

"Although this issue [lack of information on the demolition of the Gita] was one of the two most serious issues addressed at the 11/91 Planning Commission meeting, the EIR provides no solid information on: number and types of units, tenancy by type and rent, occupancy when sponsor

started negotiating to buy the Gita, current occupancy, why tenants left, where did they relocate, what type of relocation benefits were provided, how much money and for what site is replacement housing being provided, when type of replacement housing, relation of the project sponsor to the replacement housing sponsor. Was the owner of the Gita required to turn over a vacant building? If so, what measures [were] taken during the entire time negotiations [were] underway to ensure that tenants received their right to adequate replacement housing and relocation funds.

"The loss of a residential hotel is by terms of City law a major impact of this project, yet it is handled in a most cursory manner. The policy of removing low income housing from this neighborhood and concentrating additional low income housing in an area that is already carrying a significant burden of low income housing also needs to be analyzed against the policies in the Residence Element of the Master Plan as well as the Van Ness Avenue Plan policies, and any other relevant City policies – including the residential hotel ordinance." (Sue Hestor, Attorney)

"The Draft EIR fails to mention that the project sponsor, in connection with the conversion from residential use of the Gita Hotel, has initiated the development of, and contributed financially to, the Canon Kip project in San Francisco approved last year, thereby creating new housing to replace that lost on the project site. The Canon Kip project will be a model of new, low-income SRO housing." (Charles Olson, Pettit & Martin)

"I'm a little concerned about the Gita Hotel and the loss of the units there. I see reference to the Gita on Page 3 in the summary of historic, architectural and cultural resources and a reference to Page 80 to 81, but I think the reference on Page 3 is the only reference to the housing that was contained at the Gita. I see that the Gita Hotel is characterized as having contained 24 tourist rooms and 20 single resident rooms and one apartment, and I would like a clarification of whether those tourist rooms were actually, in fact, in residential use and whether the loss of low-income housing there is not higher than the 20 that are listed here." (Commissioner David Prowler)

Response

The information below was obtained from the project sponsor and is part of the Conditional Use application for the project filed at the Department of City Planning, 450 McAllister Street.

Under the Residential Hotel Unit Conversion and Demolition Ordinance, November, 1979, 20 rooms in the Gita Hotel were classified as residential and 24 rooms as tourist.

The project sponsor executed an option to purchase the Gita Hotel on September 16, 1988 and took title to the hotel in January, 1992. Hotel records obtained from the prior owners, and annual usage reports filed by the prior owners with the Bureau of Building Inspection, indicate that 15 to 22 rooms were rented to permanent residents (residents for 32 days and over) from September, 1988 to September 5, 1991 when the application was filed to convert the residential use of the hotel. The certificate of use indicated that 20 rooms were classified as residential. The October 1, 1990 annual usage report showed 21 of the hotel units were rented as part of the City's Hotline program for the homeless.

In March, 1992 the project sponsor in cooperation with the Tenderloin Housing Clinic initiated a relocation program that was designed to be equitable and fair to all residents. All residents who had been occupants of the Gita Hotel for more than five years received \$3,000; residents of less than five years received a payment of \$1,500. As an alternative, the project sponsor offered to subsidize the difference between the rent at a resident's new lodging and the old rent paid by the resident at the Gita Hotel. In addition to these payments, each displaced resident was also offered the option to move to the Canon Kip replacement housing (on 8th Street) when it is completed (in 1993) with the rent differential to be subsidized by the project sponsor for as long as the resident remains at Canon Kip.



Although the project sponsor did not take title to the Gita Hotel until January 1992, it extended its relocation program to all 26 permanent residents occupying 25 rooms on the date the application to convert was filed (September 5, 1991). There were three exceptions with respect to residents who moved prior to the project sponsor taking title to the hotel. One has died, but had received a \$300 payment and rent had been forgiven in the amount of \$834. Two moved from the City voluntarily without leaving forwarding addresses, and the project sponsor has been unable to locate them.

All residents, most of whom were represented by the Tenderloin Housing Clinic, chose the lump sum payments. The project sponsor's staff located new rooms that were acceptable to all residents, assisted in securing the rooms, and carried out the moves at no expense to the residents. Special arrangements were made for special circumstances. For example, the staff took great effort to locate to a San Diego apartment for one resident, who was ill and wished to be near his family. All Gita Hotel tenants were relocated by the end of July, 1992.

The project sponsor was obligated to provide replacement housing for the Gita Hotel residents under the Residential Hotel Unit Conversion and Demolition Ordinance. The project sponsor's contribution to the Canon Kip project exceeded the amount required.

Comment

"(Pages 3, 17, 37, 65, 74, 127). As of the date of this letter [July 9, 1992], only one occupant remains in the Gita Hotel and he is preparing to move. All other buildings on the proposed project site have been vacant for some time." (Charles Olson, Pettit & Martin)

Response

The project sponsor has subsequently indicated that the Gita Hotel is vacant.

Comment

"The EIR reports on the transformation of existing and past land uses with project implementation and states that future residential uses would not be comparable to those presently available at the Gita Hotel. However, the EIR fails to assess the effect of this loss on SRO and transient (tourist) units, particularly in a cumulative context. For instance:

- Where would tenants displaced from the site likely find housing at rents comparable to what they currently are paying? Would residents be forced to move out of their neighborhood? To what extent could the project increase the city's homeless population by displacing low-income tenants with insufficient resources to pay moving and move-in costs?
- Does the applicant proposed to relocate permanent (versus tourist) occupants? If so, where and would rents be comparable? Does the applicant propose to offer housing in the project to Gita Hotel seniors who would be displaced? If so, would the applicant subsidize rents in order to minimize impacts?" (Nob Hill Neighbors)

Response

As noted in responses above, all residents of the Gita Hotel have been relocated with assistance offered by the project sponsor. It is unlikely that past residents of the hotel would qualify for housing in the proposed project. The project sponsor is also connected with the Canon Kip project, which would offer housing comparable with the Gita Hotel. All former permanent residents of the Gita Hotel were informed of the availability of the Canon Kip project to them in the future.

The Residential Hotel Conversion Ordinance was written and passed to mitigate the effects of any loss of residential hotel rooms. The project sponsor met (and exceeded) the requirements of this ordinance. Cumulative impacts of residential hotel conversions are discussed in the environmental review done for the Residential Hotel Conversion

Ordinance Revisions (case files 89.465E/89.061E) available at the Department of City Planning, 450 McAllister Street, San Francisco.

## EMPLOYMENT

### Comment

"As a member of Local No. 7, California of the Bricklayers Union, I have been very concerned with the lack of jobs and lack of opportunity to create jobs in San Francisco. I have lived in the City for 16 years with my four children and we like San Francisco very much. We don't want to have to move. The proposed project will create thousands of jobs for San Franciscans right now, and approximately 200 permanent jobs on this project alone. The increased economic buying power of an employed population will create hundreds of other continuing jobs and help boost business in the community.

"As the 250 proposed living units become occupied, the houses and apartments now occupied by these people will once again become available to working families. The project will not only give me and others a chance to work and enjoy the benefits of our working lives, it will also provide us with a viable alternative to plan for our own retirement days.

"I can see no reason why this project should not be built and I urge you to do anything you can to speed up the process." (James Boland, International Union of Bricklayers & Allied Craftsmen)

### Response

The comment speaks to support the project and does not pertain to environmental issues. It is hoped that the commenter will present these opinions at the public hearing on the Conditional Use application for the project. No further response is necessary.



Comment

"I come also to support the project and ask that you approve the Environmental Impact Report today. I have also been told that I can speak on behalf of the Hospital Workers, Local 250, who will provide the health services for this project once it is finished.

"Environmental impact also includes some social things, and we believe that one of the things that should be included in environmental studies is the employment. At a time when we are running from 25 to 30 percent unemployed throughout all the construction unions, craft by craft, a project of this nature not only is going to be a project worthwhile for senior citizens and a project that San Francisco can be proud of, but it would be a project that we are going to be able to put some of those unemployed construction workers to work.

"Some of our people haven't worked for seven and eight months. They have lost their health care. Some are losing their homes, their cars, their families. Recently, we worked with a homeless group to rehab some buildings, and they were going to use some homeless. Believe it or not, we have skilled craftsmen who were eligible to work on much of the homeless program. So we are in a desperate situation, and these types of projects are economically viable, as the environmental part of it is, too. So we ask you to give it full support." (Stan Smith, Building Construction Trades Council)

Response

The comment speaks to support the project and does not pertain to environmental issues. It is hoped that the commenter will present these opinions at the public hearing on the Conditional Use application for the project. No further response is necessary.

## ENERGY

### Comment

"You have scoped out energy and water from this EIR. Has a maximum energy efficiency and minimum water usage plan been included in this project? If not, why not? Why no solar panels on [the] roof?" (Sue Hestor, Attorney)

### Response

The proposed project is designed to utilize the latest state-of-the-art technology in energy and water conservation. Solar panels are not included in the project as they do not, in the opinion of the proposed project's architects, provide adequate cost benefit to offset the initial cost and would not meet the heating demands of the project. Also, there is not enough roof and terrace space for mounting panels.

## CONSTRUCTION

### Comment

"I am the owner of the three-story building located at 271 Austin Street. You previously granted change of use to me about six years ago so that I could house my local psychological practice here. We have grown and my organization has seven employees who work at this address. We run a quiet, unobtrusive and professional practice in this building.

"The Episcopal Foundation wants to tear down the buildings across the street directly facing my office. I object to this destruction and respectfully request that you deny their request for permits to tear down these properties.

"My objection dovetails with personal concerns. First of all, the tear down will expose my staff, patients and local people to asbestos products, dust and other unknown products. Tearing down old buildings creates a filthy atmosphere for some period of time.

"Then, tearing down these buildings may force a shut down of my practice which causes a loss of income, loss of access to services to the public and a disruption of programs already in place. The noise of tear down alone may shut us down. One truck in Austin Alley closes the street for other traffic. The Episcopal Foundation has made no offers to protect us small business[es] in any way. Granting the tear down permits will hurt us and the entire block of business.

"Please protect us small guys and deny permits to destroy these buildings." (Martin and Judith Shaffer, Stress Management Institute)

### Response

Mitigation measures with respect to demolition and construction are found on pages 129 to 138 in the DEIR. These include, among others, measures designed to reduce impacts associated with traffic, construction noise, dust, and demolition of buildings containing asbestos.

Impacts from construction noise are discussed at pages 118 to 121 of the DEIR. The analysis focused on the land uses surrounding the proposed project site, including such sensitive receptors as commercial uses on ground floors, upper story offices and residential buildings located on Austin Street and on Franklin Street.

The noise levels shown in Table 12, page 119 of the DEIR, represent worst-case, high end values for the designated sources of construction noise. In the absence of pile driving or other high impact construction activity which are not required or planned during construction of the proposed project, construction noise impacts of the project would be less.

As indicated on page 120 of the DEIR, during the first two or three weeks of excavation, building occupants along Austin Street would experience noise levels of about 73 to 78 dBA with windows open and about 63 to 68 dBA with windows closed. During erection



of the first four floors of the superstructure above existing grade, a period of about one month, building occupants along Austin Street would experience noise levels of about 76 to 81 dBA with windows open and about 66 to 71 dBA with windows closed. This analysis was based on the assumption that steel-frame construction would be used. As stated in the DEIR, at times during construction of the project, especially during excavation and lower floor superstructure erection, construction noise would interfere temporarily with indoor activities in nearby offices, businesses, residences and hotels. Construction noise mitigation measures discussed on page 130 of the DEIR would not eliminate all noise impacts on the commentor or other noise receptors in the vicinity of the project, but would lessen noise impacts to below levels which could be considered significant under CEQA.

The project sponsor would be required to implement mitigation measures as part of project approval. The City Planning Commission may determine that additional conditions are appropriate in order to reduce construction noise impacts on sensitive noise receptors in the vicinity of the proposed project.

#### Comment

"One thing I would like to add that was not in the letter, which was something that I did notice in the Environmental Impact Report, is nowhere in there is anything mentioned with regards to vibration during the construction phase. There is mention of noise, traffic flow, dust, but vibration is a key factor. We specifically have a 20-plus foot plate glass window in the front of the building, which, if there is a substantial amount of vibration during construction, will shatter. If this does occur, somebody could become very seriously injured, and that is of great concern.

"We also have extensive computer equipment, which will be affected by the dust and vibration also. And this is something that we would like to have addressed because this is something that if anything should happen to our business, we will basically shut down. It would be a great loss to the community and to ourselves, of course." (Robert Palatnik, Stress Management Institute)

Response

It is not anticipated that vibration effects from demolition of the existing buildings or construction of the proposed project would be of such magnitude as to have any noticeable effect on structures across the streets surrounding the project site.<sup>6</sup>

There would not be any construction activity that entails potential vibration such as pile driving, blasting, heavy equipment operation, or large wrecking machines. Generally, construction techniques used in San Francisco generate minimal vibration. Vibration wave intensity attenuates more quickly than sound waves.

Mitigation measures designed to reduce total suspended particulate emissions are included as part of the project (page 133 of the DEIR).

In the event that adjacent property is damaged during construction, a property owner may seek legal redress in the courts.<sup>7</sup>

**CUMULATIVE IMPACTS**

Comment

"The introduction to the DEIR says that it is going to discuss the cumulative impacts, but I never found a place where it did discuss the cumulative impacts – that is, how much traffic, how much wind, the various kinds of impacts in relation to other projects that are being built or that have been built recently or that have approvals and are not yet quite being built." (Anne Bloomfield, Pacific Heights Residents Association)

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<sup>6</sup>Richard Illingworth, P.E., Acoustical Engineer, telephone conversation, August 26, 1992.

<sup>7</sup>Niel Rains, Assistant Supervisor, Building Inspection and Code Enforcement, Bureau of Building Inspection, telephone conversation, September 30, 1992.

"The DEIR generally considers the impacts of the proposed project in isolation from other potential and actual projects. The DEIR fails to consider any cumulative impacts caused by the proposed project in association with those discussed in the Van Ness Area Plan Final Environmental Impact Report but not yet in service. The EIR ought to consider these cumulative impacts, especially for scale, traffic, wind, sun, and shadows." (Charlotte Maeck, Pacific Heights Residents Association)

"Like I said, we want cumulative information on wind, bulk, shadows. (Sue Hestor, Attorney)

### Response

The DEIR discusses cumulative effects for each environmental topic where relevant. Cumulative effects on land use are addressed on page 73, on transportation are discussed on pages 6, 106 and 107, on air quality are discussed on pages A-15 to A-18, and on hazards are addressed on page 125. The Van Ness Avenue Plan FEIR provided the data base from which the cumulative impacts were analyzed.

The wind analysis in the DEIR (pages 97 and A-59 to A-62) considers the existing environment and any buildings approved near enough to the proposed project to affect pedestrian level wind conditions (which would constitute a cumulative wind analysis). As noted in the response on pages C&R.102 and C&R.103, ground level wind accelerations near buildings are controlled by exposure, massing and orientation. The larger buildings that have been constructed along Van Ness Avenue would not have a "cumulative" effect, as each structure would affect wind conditions only in its immediate area.



Shadow studies include existing and approved projects and by definition are cumulative. The proposed project shadow generation is discussed on pages 90 through 96 of the DEIR.

Comment

"And the other thing we want a cumulative analysis of is, what kind of housing was on any of these sites that has been displaced? We would like a housing dislocation cumulative number, as well as what kind of affordability. And I know the department has this, so I am not asking for a whole lot. What kind of affordable units were put in cumulatively on all these projects in the Van Ness Avenue Plan? Not just there are X number of affordable units, but to whom are they accessible? Are they renters, buyers, what level?" (Sue Hestor, Attorney)

Response

A listing of projects approved in the Van Ness Corridor is found on pages C&R.38 and C&R.39. The projects on the list, including the proposed project, would add 1,219 units of housing. Approximately 57 dwelling units were displaced by these projects (including the 44-unit hotel on the proposed project site). The list also indicates the number of units that are designated affordable (about 30 units). In addition, many of the projects have specific conditions for affordable loans, such as provision of 9.5 percent interest for 10 percent of the price. All affordable units are available to individuals who could qualify as a result of incomes below or in the range of the Housing and Urban Development Department's median household levels.

## MITIGATION MEASURES

### Comment

"(Page 131). For the first time it shows up as a mitigation that there is a 'potential for shared parking with nearby uses' as the parking in the building becomes surplus. Who suggested that? How does this relate to City policy? Short-term parking? Long-term? Wouldn't this substantially increase traffic on poor Austin?" (Sue Hestor, Attorney)

### Response

The project sponsor has indicated that as the demand for parking subsides and off-street spaces are available in the proposed project, the potential exists to make some of these spaces available to the community. The project sponsor believes that such a measure would be consistent with City policy to assist in lowering on-street parking demand. Because it is anticipated that the decrease in project-related parking demand would be slight, it is unlikely that there would be a noticeable increase of traffic on Austin Street.

This proposal was classified as a "potential improvement" measure, not a "required mitigation" measure. The City Planning Commission would determine whether or not this proposal would be consistent with City policy.

### Comment

"There [are] no mitigation measures. There is no protection for the small stores going down the poke, for the houses, for the tenants. Once they are out, there is no vacancy control. There seems to be no mitigation measures and no concern by the Supervisors, the Planning Commission or anybody for the effects of the preservation of affordable houses and the neighborhood in the Tenderloin directly affected." (Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition)

Response

The City is concerned about the preservation of affordable housing and that is why project sponsors are required under the Hotel Conversion Ordinance to provide affordable replacement housing for residents displaced from a project site or cash contributions to a fund that provides affordable housing subsidies. See responses to comments on Housing, pages C&R.142 through C&R.145

Comment

"(DEIR pages 129-138). The DEIR mentions no mitigations for the bulk of the main residential block of the proposed project. The proposed bulk is shown [the 'Bulk' comments] to be two-and-a-half to three times the permitted bulk. Redesign of the main residential block would be an appropriate mitigation. Alternatives B, C-1, and D all propose mitigations of the bulk, but they are all rejected.

"The DEIR mentions no mitigations for the wind impacts of the proposed project. The technology exists to create designs which lessen wind impacts. Redesign for lessening wind impacts would be an appropriate mitigation.

"The DEIR mentions no mitigations, even partial mitigations, for the demolition of the architecturally significant buildings. This we believe inappropriate. There should be the partial mitigation of recording them according to standards of the Historic American Buildings Survey (HABS)." (Charlotte Maeck, Pacific Heights Residents Association)



Response

Mitigation measures are not required under CEQA if there are no significant impacts. There are no significant impacts identified for the project with respect to bulk or wind. As noted in responses with respect to bulk, the proposed project is consistent with the Planning Code pending determination by the CPC (pages C&R.48 to C&R.54). The project design shown in the DEIR includes design revisions intended to reduce the apparent bulk of the structure (page C&R.15). Wind tunnel tests of a number of design changes indicated that the wind environment would not be substantially affected by changes in project design. A new mitigation measure with respect to the architecturally significant buildings has been added and is found on page C&R.73.

Comment

"(Page 132). The first improvement measure discussed on this page suggests limiting construction truck movement to between 9:00 AM and 3:30 PM to minimize peak hour conflicts and to accommodate queuing of MUNI busses prior to peak hours. There does not appear to be any justification for this measure given the intersection levels of service described in the Draft EIR. Also, the project sponsor's willingness to include an on-site construction staging area large enough to avoid queuing of construction traffic on adjacent streets should eliminate any concerns regarding MUNI traffic, especially given the absence of buses (except express service) on all abutting streets other than Van Ness Avenue." (Charles Olson, Pettit & Martin)

Response

The improvement measures are suggestions to ameliorate project construction and operation effects that are not potentially significant as defined under CEQA. The measure identified in the above comment was not designated as a mitigation. The City Planning Commission will determine if the improvement measure is appropriate as a condition of project approval at the Conditional Use public hearing.

Comment

"(Pages 10, 133): The mitigation measure requiring landscaping to reduce wind speeds in the outdoor plazas to pedestrian comfort levels required by the City Planning Code is inappropriate based on the discussion [of wind measurements in the Van Ness Special Use District]." (Charles Olson, Pettit & Martin)

Response

The measure identified in the above comment should be considered an improvement measure and not a mitigation measure. The City Planning Commission could impose this measure as a Conditional Use condition of approval under its discretionary power.

Although the City's wind standards do not apply to internal private open spaces, wind tunnel studies revealed that wind conditions could exceed comfort levels and improvement measures, although not binding, are appropriate to recommend.

The second paragraph under "Air Quality" on page 133 of the DEIR should be under a separate heading:

"IMPROVEMENT MEASURES THAT COULD BE IMPLEMENTED BY THE PROJECT SPONSOR."

Comment

"(Pages 10-11, 135-136). The Draft EIR should not suggest that remediation of soil and groundwater contamination constitutes a mitigation measure to eliminate or reduce environmental impacts of the proposed project. The project has not and will not cause any such impacts. The proposed project may only result in environmental impacts with respect to hazardous waste in the following ways: (1) potential exposure of workers and the public to asbestos as a result of the demolition of structures with asbestos containing materials; (2) potential exposure of workers to hazardous substances as a result of demolition of structures containing small amounts of materials such as paints and solvents; and (3) potential exposure of construction workers to

contaminated soil and groundwater located at the proposed site until such time as site remediation has been completed by UNOCAL. Therefore, most of the suggested mitigation measures related to existing soil and groundwater contamination are inappropriate.

"The Draft EIR should clearly state that UNOCAL, not the project sponsor, is responsible for remediation of existing soil and groundwater contamination, to the extent required. UNOCAL is currently proceeding to remediate their property (Lot 17 located at the western end of the proposed project site) prior to transfer to the project sponsor. This process is ongoing. To the extent remediation can be accomplished on other portions of the proposed site prior to the commencement of excavation and construction, UNOCAL will do so. Otherwise, remediation will continue thereafter." (Charles Olson, Pettit & Martin)

Response

The EIR is clear as to potential hazardous materials and hazardous waste impacts associated with the proposed project site as well as required mitigation measures to remediate these impacts (see DEIR pages 65 to 71, 122 to 126, and 134 to 136).

Before the proposed project is approved and construction could occur, a plan to remediate all toxic contaminants on the site must be approved by the Department of Health Services, regardless of who is responsible for any toxic substances found on the site.

Comment

"Transportation mitigation measures are inadequate in reducing noise and air quality impacts to less-than-significant levels. Two measures 'under consideration by the applicant' should be revised as follows and should be made conditions of approval, should the city approve the project:



- Idling of construction vehicles waiting to load debris or to unload construction materials should be prohibited. All construction vehicles should pull into the on-site staging area while waiting to load or unload. This measure shall be required to reduce temporary construction period transportation, noise, and air quality impacts to a less-than-significant level.
- Warning devices should be installed at project exit driveways to warn drivers to watch for pedestrians, and noise-emitting devices should be prohibited. This measure shall be required to reduce the long-term safety hazards to pedestrians from project-generated traffic and to avoid altogether long-term cumulative noise impacts on pedestrians walking past, people living in, and people living or working near the project, in order to mitigate impacts to a less-than-significant level." (Nob Hill Neighbors)

#### Response

As previously noted, the EIR distinguishes between mitigation measures and improvement measures. The former are required by CEQA to address potentially significant impacts. Potential impacts without an improvement measure would still be considered insignificant, but the improvement measure could be imposed as a condition of approval by the City Planning Commission.

The mitigation measures on pages 132 and 133 of the DEIR address the environmental issues identified by the commenter. Implementation of these measures would reduce any potential impacts to a less than significant level. No revision of the mitigation measures is required.

#### Comment

"A mitigation measure should be added and made a condition of project approval, if the city should approve the project, to designate an individual (and post this person's name and phone number in a visible location at the site) to whom complaints can be made during construction

about temporary noise, dust, fumes, double-parking, and other impacts. The mitigation measure should ensure that the designated individual would be responsible for acting on complaints and actually correcting problems.

"Our experience with the many projects recently and presently under construction in the greater Nob Hill/Van Ness corridor neighborhood is that on-site construction managers are unwilling and unable to respond positively to complaints. Furthermore, off-site project managers frequently are not available at their offices when problems occur – such as when noise-generating construction activity proceeds earlier than 7:00 AM and after 7:00 PM. Thus, the city should devise a workable solution and incorporate it in the EIR." (Nob Hill Neighbors)

Response

The following improvement measure is added to the DEIR on the bottom of page 132:

"Designation of an individual (and posting name and phone number in a visible location at the project site) to whom complaints can be made during construction about temporary noise, dust, fumes, double-parking, and other impacts."

The commenters could request the City Planning Commission to adopt this improvement measure as a condition of approval.

MITIGATION MONITORING PLAN

Comment

"State law requires the city to adopt a Mitigation Monitoring Plan for the project, if approved. Such a plan should be prepared and circulated for public review in order to ensure that it would provide adequate follow-up to determine that require[d] mitigation measures have, indeed, been implemented, as required, and to test the efficacy of mitigation measures.

"Inclusion of Mitigation Monitoring Plans in Draft EIRs (as is done in some jurisdictions) often sends the wrong message, suggesting that project approval is a foregone conclusion regardless of the magnitude of environmental impacts or the merits (or not) of projects. However, it is essential to establish what the contents of the Plan would be in order to determine the effectiveness of measures to reduce the severity of impacts to a less-than-significant level and to identify any secondary effects of the mitigation measures themselves.

"These considerations are even more critical with respect to the proposed project where there are numerous mitigation measures under consideration by the applicant. Would they be included in the project or not? At some time in the future when a question arises about the project's operating impacts, a citizen would not know whether the applicant incorporated the measure voluntarily or as a condition of approval.

"Therefore, at a minimum, the EIR should describe how the city would fulfill the requirement to prepare and adopt a Mitigation Monitoring Plan, identify when the Plan would be prepared in the planning process, and disclose what opportunities there would be for public review and comment on the Plan." (Nob Hill Neighbors)

"Page 11. Now, on Page 10 and 11, here we have mitigation measures, a whole bunch of measures here, and I don't know. I have been involved in a little construction in my life, and I have seen a lot of things. The question I want to ask is, what if all these measures are not complied with? Is there a system of inspection every day, every two days? Are there fines if the guys don't water it down? You can go over there, and you say something, those construction guys hold up a barrier. 'Hey, look man, get out of here. We are going to do what we want. We didn't dust today. We didn't do this.'

"What kinds of things do you have in place to inspect this project and make sure that all these mitigations are followed? And if they are not followed, is there a system of fines or charges or



halt work? I don't see that in here, and I wonder why." (Joseph Kaufman, Chairman of Zoning North of Market Planning Coalition)

Response

State Law AB 3180 and CEQA Section 21081.6 require that a mitigation monitoring program be developed after an EIR is certified to ensure compliance during project implementation of mitigation measures to substantially lessen or avoid potentially significant impacts.

In San Francisco, a mitigation monitoring program is normally adopted at the time a project is approved. A mitigation monitoring program specifies, for each mitigation measure, the party/parties responsible for implementation of the measure, a schedule for implementation of the measure, a statement of actions required to implement the measure, the party/parties responsible for monitoring implementation of the measure, and a reporting schedule for monitoring.

The mitigation monitoring program would be adopted by the City Planning Commission as part of the CEQA Findings if and when the project is approved. The draft program would be available to the public at least one week before the City Planning Commission takes final action on the Conditional Use Permit. Anyone may give testimony on the mitigation monitoring program at the Conditional Use Permit hearing.

**SIGNIFICANT ENVIRONMENTAL EFFECTS**

Comment

"Page 4 – significant environmental effects. There is only one listed in the EIR, and we certainly agree with that, the significance of demolishing buildings rated significant in the Van Ness Special Use District. We also have two other suggestions as to what should be significant,

namely, bulk and planning code and wind impacts." (Anne Bloomfield, Pacific Heights Residents Association)

"(DEIR page 139). PHRA agrees that demolition of the two buildings rated 'significant' in the Van Ness Special Use District (VN SUD) would be a significant effect.

"The bulk requirements for the site permit a maximum length of 110 feet above base and a maximum diagonal measurement of 140 feet above base. The proposed project is designed as a single, uninterrupted bulk above the base to a height of 109 feet. The proposed bulk would be more than three times the permitted length above base and more than two-and-a-half times the permitted diagonal measurement above base. If the proposed project is approved and built as now designed, this excessive bulk would constitute a significant effect.

"The Planning Code requires that new buildings in the VN SUD be designed to avoid causing ground level wind currents to exceed seven miles per hour in public seating areas and 11 miles per hour in areas of pedestrian use. The proposed project would approximately double the wind speeds at five of the eleven measurement locations along Franklin Street. It would increase wind speeds at every measurement location on Franklin Street and on Pine Street west of the Van Ness intersection. At two of these locations the proposed project would increase wind speeds beyond the 11 miles per hour mandated in the VN SUD. At three of the six measurement locations on outdoor space within the project area, the wind speeds would be greater than the 7 miles per hour seating area criterion of the VN SUD. If the project is approved and built without design modifications, these excessive wind speeds would constitute a significant impact." (Charlotte Maeck, Pacific Heights Residents Association)

#### Response

The determination of significance ultimately is a City Planning Commission action, however, the Office of Environmental Review believes that bulk, planning code exceptions and wind effects of the proposed project are not potentially significant as

stipulated in CEQA. The project would meet the City Planning Code bulk requirements established under the Van Ness Avenue Plan and the implementing zoning if deemed so by the Planning Commission in the Conditional Use hearing and would, therefore, not be considered a significant impact. The wind conditions caused by the project would not exceed the 26 mph hazard level, which is the City's threshold of an environmentally significant impact. Other Code exceptions do not per se constitute environmental impacts.

Specific responses regarding wind are found on pages C&R.96 through C&R.105 and for bulk on pages C&R.48 through C&R.54.

#### Comment

"(Page 139). There is no basis for the Draft EIR's conclusion that demolition of the 1623 and 1629 Pine Street buildings would constitute an unavoidable significant impact of the proposed project. First, there is no evidence of the architectural or historical significance of these buildings. The determination of significance in the Van Ness Avenue Area Plan is based on urban design qualities. Second, as discussed elsewhere in this letter, these buildings would need to be demolished in any event because of their existing unsafe condition." (Charles Olson, Pettit & Martin)

#### Response

The architectural and historical significance of the 1623 and 1629 Pine Street buildings is discussed on pages 43 and 44 of the DEIR and on pages C&R.72 through C&R.87 of this document. The architectural/historical consultant also considers the contributory aspect of the buildings to the historic structures in the area to be potentially significant. It is the Department of City Planning's policy to identify the demolition of significantly rated buildings in area plans such as the VNAP as a potentially significant environmental effect.



## ALTERNATIVES

### Comment

"I would like an alternative in the EIR that has 50 or 75, in that range of parking. Get rid of two floors of parking. Go back to normal assumptions. If you are going to take the benefits of the senior provisions of the code, don't burden us with their cars. Do something innovative to have a pool of cars available for people. No resident is going to need their car every day. Instead of encouraging people to move in with their cars, discourage them from moving in with their cars. Have some transportation alternative structured into the program of the facility that gets people out of their cars and onto the MUNI, because you can reduce the bulk of the building substantially with that.

"Please do an alternative design with the minimum amount of parking; i.e., one that complies with senior guidelines and the assumptions in our Master Plan and Code. Eliminate one or two garage levels to reduce costs of construction. As an alternate to auto ownership, provide a pool of cars available to the residents. Encouraging auto use at this site is contrary to City policy."  
(Sue Hestor, Attorney)

### Response

CEQA requires that a DEIR review a reasonable range of alternatives to the proposed project that are capable of eliminating or reducing to a less than significant level the significant environmental impacts of the project. The DEIR contains four alternatives found on pages 140 through 156. Parking and transportation impacts were not found to be significant.

The amount of parking proposed for the project would have little effect on the total visible size of the proposed project, since all parking would be located below grade. Few other uses proposed for the project would be appropriate for placement below grade. The proposed parking is deemed essential by the project sponsor to respond to the

projected demand indicated on pages 108 to 112 of the DEIR and to avoid adverse effects on the neighborhood. In addition, on-site parking is considered by the project sponsor to be essential to the residents' sense of independence.

Comment

"Alternative C does not satisfy CEQA's mandate to examine reasonable, realistic alternatives and examine the extent to which alternatives to the project as proposed would mitigate project-generated impacts. Instead, this EIR's Alternative C is a stupendous mockery of the concept of a preservation alternative.

"Furthermore, due to the public controversy over intensification of the Van Ness corridor, one alternative to the project should assess a significantly lower-density development on the site which simultaneously would decrease the number of units, total building area, and total building heights.

"One approach would be to assess another subalternative (C-3) to combine a substantially lower-density/lower-intensity project which would be compatible with preservation of the 1623 and 1629 Pine Street buildings." (Nob Hill Neighbors)

Response

As noted in responses related to preservation of the architectural and historic structures on the site (pages C&R.25, and C&R.70 and C&R.71), several options were considered by the project sponsor, but the project sponsor determined that structural damage to 1623 and 1629 Pine Street due to the Loma Prieta earthquake in 1989 rendered these other alternatives infeasible. Alternative C is the only realistic preservation alternative and was rejected by the project sponsor for reasons stated on page 153 of the DEIR. Alternative C would be a lower-density/lower-intensity project in comparison to the proposed project. C-1 would contain 170 units and C-2 would contain 219 units.

Comment

"In terms of an alternative, other alternatives that I think you need to have is, you need to have a code complying alternative. You don't have one. And I will tell you what a code complying alternative looks like. And if you want to come here with a couple of different ones to come up with some of these different variations, that's fine by me. You need an alternative which does not exceed 140 feet diagonal or 110 feet in length. That is the basic code in the Van Ness Avenue Plan. And this one has a diagonal of 312 and a length of 290, and that is just, as Ms. Bloomfield pointed out, on a portion of the building.

"So I would like to see a code-complying building that has overall length and dimensions that meets the Van Ness Avenue Plan standards, which is what we were told we were going to get when we gave all of these goodies in the Van Ness Avenue Plan.

"It is very important that the Commission consider a building that involves absolutely no CU (especially not a PUD), or only a CU as to height (and not bulk) because there is literally no recourse to the Planning Commission's decision available to nearby residents. The CU appeal process is only available to property owners, and low-income residents do not own their property. The Van Ness Avenue Plan has cut off the residents from any remedy, other than going to court." (Sue Hestor, Attorney)

Response

Under the VN SUD, no project in excess of 40 feet can be approved without Conditional Use authorization. Because the existing buildings on the site are generally around 40 feet in height, it appeared to make no sense to show an alternative for some different use with a building height of 40 feet. Alternative A presents a No Project alternative preserving the status quo. Development above 40 feet in height involving mixed residential and commercial use is shown as Alternative B in the DEIR. This alternative includes a 15-foot setback on Pine Street and bulk limits above 50 feet to illustrate the most restrictive potential application by the City Planning Commission of possible bulk



limitations. It therefore responds to the type of "code complying alternative" suggested by the commenter. The lack of specific alternatives analyzed in an EIR does not limit the ability of the City Planning Commission to approve or require a smaller project as long as it is covered by the reasonable range of alternatives analyzed in the EIR.

Comment

"A second alternative that I think you are legally responsible to have – and I don't see how the EIR did it without it – is one that meets the standards of Planning Code Section 243(C)8(a), which requires new buildings to be designed to reduce – to reduce ambient wind speeds to meet the requirements.

"The presumption in the Van Ness Avenue Plan in the code – and this is on Page 54 in the text it relates to – is that if a building has some increases in winds, it has to be redesigned. If there are problem winds on the site, you design the building so that you get rid of the winds. And this building is in a problem site because of the Holiday Inn. The starting point should have been, 'We're going to design a building to reduce' – that's the code requirement – 'the ambient wind speed so that they are at the comfort level,' because, as people pointed out, it is not going to be very comfortable for seniors and for other residents in the neighborhood to walk around this building. Even if the people in this building don't go out of their building, there are other people who do. And I suspect that they will go out of their building, too.

"So the presumption in the Van Ness Avenue Plan is that they have to reduce wind speeds. And this building goes the other direction totally. You need to have an alternative that shows you what a building would look like that met the wind speed criteria, so it provided the amenities that the Van Ness Avenue Plan was designed to do.

"Page 54 - we want an alternative which meets the requirements of §243 (C)(8)(a) that new building in wind speed problem areas must reduce the ambient wind speeds to meet the

requirements of the Van Ness Avenue Plan. This project makes the overall wind speeds worse. We want an alternative with no exceptions on winds." (Sue Hestor, Attorney)

Response

The proposed project would not cause a significant wind effect (i.e., the 26 mph hazard criteria would not be exceeded), therefore an alternative to analyze different effects of building and massing design on wind conditions is not required by CEQA.

Analysis by the wind consultants shows that the proposed project has no overall effect on wind speeds in the VN SUD. There is no net increase of locations where the winds would exceed 11 mph at street level. The wind environment near the proposed project is only partially determined by the proposed project itself, therefore, changes to the design of the proposed project can only be expected to have a limited effect on wind. Wind tunnel tests of a series of changes to the proposed project design gave no evidence that major changes to the wind environment could be accomplished by changing the project design.

The existing exceedances near the site and the results of the tests for alternative designs suggest that there may not exist a building design that reduces wind to below the comfort criterion at all locations in the VN SUD.

Planning Code Section 243(c)(8)(B) provides an exception to ground level wind speed requirements upon demonstration that a proposed building cannot be shaped, or wind baffling measures cannot be adopted, without unduly restricting the development potential of the building site. The project sponsors believe that this is the case for the proposed project. The City Planning Commission will consider the project's compliance with the City's wind comfort criteria per Section 243 as part of the Conditional Use approval process.

Comment

"We would like an alternative design that uses concepts like at Dorothy Day, which has a protected sitting area behind a wall, but with an entrance which allows seniors [to] see and talk to people passing by and vice versa. The income levels necessary to be housed in this project pretty much guarantees that the residents will have little recent experience in living in the lower income areas around this project. It is therefore likely that they may have trouble relating to nearby residents and retail areas. The building design practically guarantees isolation, with the tenants getting into their cars to drive out the area for interaction with others. The alternative design should provide a generous area of ground-level open space designed to 'open up' to the sidewalk. If this is 'impossible' we believe questions should be asked about whether this project is attempting to fit a square peg into a round hole – that the decision to put this project at this location disregarded the limits of the location, not only the constraints of the Master Plan and Planning Code, but also the neighboring community and what it takes to really provide a secure atmosphere for both those inside and outside the walls." (Sue Hestor, Attorney)

Response

Such subtle design changes as suggested may be considered through the Conditional Use process, but they are not required as formal alternatives to be analyzed in the EIR process as they would not reduce or eliminate any potentially significant environmental effects because no potentially significant effects have been identified. However, there is nothing in the EIR or CEQA process that limits the ability of the City Planning Commission to consider such design changes.

Comment

"(Page 140 - the lack of an alternative site). Without splitting hairs, describe the sites owned or in site control by the various Episcopal entities, not merely EH, in San Francisco, omitting sites occupied by church structures. How was this site put together? At the initiation of environmental review, it appears that EH did not own the site. Is this correct?:



"The use of the term 'suitable site' implies that EH can determine that a site is suitable for its needs, irrespective of the planning rules for the site, and shoehorn the project in.

"Same page, reference to 'minimum space requirements' – what are they exactly?

"(Page 142). The statement that the 'no project' alternative includes continuing unsafe buildings, is not totally correct. The City has the right, and obligation, to take steps to secure the buildings and remove the 'red tag' conditions and bill the owner if the project does not go forward.

"Similarly, on page 141, would still seek to demolish the Gita seems to show project sponsor's intention to punish the community for seeking to maintain its existing SRO supply.

"Rather than commenting on the alternatives, we have presented our own." (Sue Hestor, Attorney)

### Response

The Episcopal entities in San Francisco include the Episcopal Community Services which operates the Episcopal Sanctuary and Canon Kip in the South of Market (8th and Folsom area) and the North of Market Service Center on Polk Street. The response on pages C&R.61 through C&R.67 describes the acquisition process of the project site. Control by Episcopal Homes over all the parcels was achieved prior to the start of the environmental review process.

As noted on page 140 of the DEIR, 17 sites were examined prior to selection of the proposed project site. Master Plan policies and City Code requirements were important considerations in the selection process.

The project sponsor originally desired a project of 300 units, which is not feasible for the proposed project site, given the FAR constraints. The minimum space requirements for the project sponsor are those currently proposed in the project.

As noted with respect to the preservation of 1623 and 1629 Pine Street, the project sponsor determined that retaining the existing structures was infeasible, after spending more than \$50,000 in seismic work to ameliorate the unsafe conditions of the structures after the 1989 Loma Prieta earthquake. However, the City, not the project sponsor, will determine whether or not the buildings must be demolished. To date, the City has not found that the buildings must be demolished.

Also see discussion on the Gita Hotel, pages C&R.140 through C&R.145 and pages C&R.170 and C&R.171.

Comment

"(Pages 12-13, 141-142). Either the project sponsor or someone else will need to demolish 1623 and 1629 Pine Street under the 'No Project Alternative' due to their structural condition and orders from the City to correct the threat to public health and safety. The discussion of impacts of this alternative should clarify that noise and transportation and other impacts associated with demolition of 1623 and 1629 Pine Street would occur under this alternative. In addition, the project sponsor has filed an application for conversion of the Gita Hotel to nonresidential use, not an application for demolition of the structure. The suggestion that the buildings on the project site could be adaptively reused in the future is misleading, particularly with respect to 1623 and 1629 Pine Street. Finally, the project sponsor is not concerned with using the development potential of the site allowable under the City Planning Code. It is only interested in building a life care facility for the elderly." (Charles Olson, Pettit & Martin)

Response

It is not a foregone conclusion that the 1623 and 1629 Pine Street buildings would be demolished under this alternative, although the project sponsor would intend to pursue demolition (see pages C&R.70 and C&R.71). In the event the two buildings are torn down, there would be short-term (one to two week) construction impacts of noise and truck traffic. The comment is noted with respect to the project sponsor's interests in only building a life care facility for the elderly. The fourth paragraph, fourth line on page 141 of the DEIR has been revised as follows:

Delete: "demolition of the Gita Hotel," and add:

"Conversion of the Gita Hotel to non-residential use."

On page 142 of the DEIR, last paragraph, delete:

" . . . and would not use the development potential of the site allowable under the *City Planning Code*."

Comment

"(Pages 13, 145). There is no real evidence to support the Draft EIR's conclusion that the 'apparent visual bulk of the alternative structure would be less than with the proposed project' given the minor separations between the towers." (Charles Olson, Pettit & Martin)

Response

The fact that the towers would be completely separated and set back could result in some viewers perceiving the project to be less bulky.



Comment

"(Pages 14-16, 146-153). The Draft EIR's discussion of Alternatives C-1 and C-2, which would preserve respectively the entire 1623 and 1629 Pine Street structures or the facades of such structures, is flawed. First, it is not true that an increase in office space will increase jobs. The construction of space does not create jobs; it accommodates jobs. The proposed site was 45% vacant when the project sponsor obtained it. Alternative C-1 would produce fewer jobs because the life care facility would be smaller. The life care facility will actually create new jobs because it will generate new demand for employees. Second, there is no discussion of the fact that these buildings are in such poor structural condition that they represent a threat to public safety and would have to be removed even if there were no proposed project. Here, again, the Draft EIR should discuss the City's order to correct the current hazard. Finally, the project sponsor's reasons for rejecting these alternatives are not simply based on its beliefs regarding what is economically feasible. The project sponsor has been presented with substantial, uncontradicted evidence that it is not feasible for anyone to retain and reuse these buildings or portions of them. The project sponsor is also not capable of subsidizing such an effort. Moreover, retention of parts or all of the buildings would cause a loss of from 31 to 80 dwelling units and substantial common space and, in one case, destroy the connection between the two parts of the life care facility. The project sponsor, based on 25 years of experience, does not consider such a modified life care facility to be feasible." (Charles Olson, Pettit & Martin)

Response

The commenter is correct that the construction of office space accommodates employment rather than creates it, however, for purposes of environmental analysis, there would be additional office space under this alternative that could result in a potential increase in employment opportunities compared to the proposed project. Under this preservation alternative, the assumption is made for purposes of environmental

analyses that the buildings would be preserved regardless of their current condition. The following sentence is added to the second paragraph on page 153 of the DEIR:

"The project sponsor also believes that the buildings or portions of them cannot be retained and reused because of their structural condition. The loss in the proposed project of 31 to 80 dwelling units under this alternative, the reduction of common open space in the proposed project, and the restriction between two parts of the life care facility would not satisfy the objectives of the project sponsor."

Comment

"(Page 155). With respect to the project sponsor's reasons for rejecting [the Three-Tower] Alternative, please add that the project sponsor, after much discussion and testing with the Department of City Planning, does not believe that the design is as consistent with the City pattern as the proposed design." (Charles Olson, Pettit & Martin)

Response

The following sentence is added to the last paragraph on page 155 of the DEIR:

"The project sponsor also does not believe that the design of this alternative is as consistent with the existing City architectural styles as the proposed design."

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D. STAFF-INITIATED TEXT CHANGES AND ERRATA

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Page 2, second paragraph:

Line 8, change "2,960 sq. ft." of interior open space to "2,680 sq. ft."

Line 8, change "122,330 sq. ft." of parking and loading space to "122,580 sq. ft."

Line 9, change "252 off-street parking spaces" to "250 off-street parking spaces," and at the end of the sentence add: "Two parking spaces would be located in the auto entry court."

Line 10, change "40,655 sq. ft." of miscellaneous space to "40,690 sq. ft."

Page 2, last paragraph: Line 4, insert "250" in place of "252."

Page 5, last paragraph: Line 7, insert "two" in place of "three."

Page 6, third paragraph: Line 7, add "which would require a permit from the Department of Public Works."

Page 7, second full paragraph: Line 8, change "63-68 dBA" to "65-68 dBA."

Page 10, last paragraph: Line 6, change "project sponsor" to "property owner."

Page 19, last paragraph:

Line 3, change "50-bed" to "55-bed."

Line 6, add "and in the auto entry court" after "four basement levels."

Page 24, first paragraph:

Line 8, change "122,330 sq. ft." of parking and loading space to "122,580 sq. ft."

Line 9, change "252 off-street parking spaces" to "250 off-street parking spaces," and at the end of the sentence add: "Two parking spaces would be located in the auto entry court."

Line 10, change "40,655 sq. ft." of miscellaneous space to "40,690 sq. ft."



Page 24, last paragraph: Line 3, change "22,960 sq. ft." of ancillary area to "11,870 sq. ft."

Page 32, last paragraph:

Line 3, change "three" to "four."

Line 4, change "252" to "250."

Page 34, before the fourth paragraph, add the following paragraph: "The Department of Public Works Street Use Management permits would be required for a number of activities proposed to take place in the sidewalk areas."

Page 35, third full paragraph: Line 1, change "13" to "7."

Page 59, first full paragraph: Line 2, insert "MUNI Metro" in place of "BART."

Page 72, Footnote 7: Line 2, change "former name" to "project sponsor's name."

Page 74, second paragraph: Line 10, change "57,750 sq. ft." to "46,660 sq. ft."

Page 75, third full paragraph: Line 2, change "dwelling units" to "residential uses."

Page 75, last paragraph: Line 8, change "45" to "44."

Page 77, first paragraph: Line 3, insert "second," between "outdoor" and "third."

Page 82, third paragraph: Line 2, insert "seven" in place of "five."

Page 88, fourth full paragraph: Last line, change "but would not be set back from the property line along Pine Street" to "and would have setbacks of 2.5 to 5 feet above the base level along Pine Street."

Page 98, first paragraph: Line 1, insert "second" between "project" and "third."

Page 102, Table 6: Shown on the following page (changes indicated in bold typeface).

Page 104, Table 8: Shown on the following page (changes indicated in bold typeface).

Page 109, first paragraph: Last line, add "and in the auto entry court."

Page 112, first full paragraph: Line 2, change "older facilities" to "other facilities."

Page 113, second full paragraph: Line 8, change "(east)" to "(west)."

TABLE 6  
PROJECT PERSON TRIP GENERATION

Units	Type	Daily Trip Rate	Daily Trips	P.M. Peak Hour Trip Rate <sup>1</sup>	P.M. Peak Hour In/Out Split <sup>2</sup>	P.M. Peak Hour Trips In	P.M. Peak Hour Trips Out	Total P.M. Peak Hour Trips
250	Dwelling Units (DU)	6.4/DU	1,600	0.77/DU	45/55	87	106	193
1.75 KSF	KSF Retail	150/KSF <sup>3</sup>	<u>263</u>	15/KSF	50/50	<u>13</u>	<u>13</u>	<u>26</u>
Total Trips			1,863			100	119	219

1. Assumes 12 percent of daily trips.
2. Based on Van Ness Avenue Plan FEIR.
3. 1,000 sq. ft.

Source: DKS Associates

TABLE 8  
PROJECTED OUTBOUND TRAVEL DEMAND BY MODE FROM PROJECT (PTE)<sup>1</sup>

PM Peak Hour Trips <sup>2</sup> Travel Mode	Existing <sup>3</sup>	2000 <sup>4</sup>
Auto (carpool, taxi, limousine)	41	29
MUNI	42	54
Walk	39	39
Other	<u>0</u>	<u>0</u>
Total	122	122

1. Person Trip Ends.
2. The peak hour occurs during the two-hour period between 4:00 PM and 6:00 PM.
3. The 1991 mode split was based on DKS Associates; City and County of San Francisco, Department of City Planning, *Guidelines for Environmental Review: Transportation Impacts*, April 1991; and *Typical Transportation Work Scope for Non-Downtown Projects*, April 1988.
4. The year 2000 mode split accounts for changes in travel behavior which are assumed to occur as a result of capacity restraints on the Golden Gate and Bay Bridges as described in the *Mission Bay EIR*, Vol. II, pages IV.E53-54.

Source: DKS Associates.

Page 122, first paragraph: Last line, add "prior to completion of site remediation."

Page 131, first paragraph: Line 2, add "This project feature would require a permit from the Department of Public Works."

Page 131, fourth paragraph: Line 2, add "This action would require a permit from the Department of Public Works."

Page 131, sixth paragraph: Last line, add "A major encroachment permit would be required from the Division of Street Use Management."

Page 135, last paragraph: Line 6, change "project sponsor" to "property owner."

Page 140, last paragraph: Line 3, change "seven" to "eight."

Page 142, second full paragraph: Line 1, change "demolish" to "convert."

Page A-60, first paragraph: Lines 6 and 7, delete "; two of these locations (locations 19 and 20 on Figure D-1) exceed the hazard criterion of 26 mph." Add a period after "areas" in Line 6. [This change is necessary as the initial reading of the technical wind data was incorrect. No locations measured exceed the hazard criterion of 26 mph.]

Comments from the public and City Planning Commissioners suggest that the project could be improved with an increase of retail space on the Pine and Van Ness Avenue corner and on Van Ness Avenue. The proposed project currently has 1,750 square feet of retail space. It may be possible to add up to an additional 3,250 square feet of retail space on the Pine and Van Ness Avenue street levels. Such an expanded use would require an exception to the FAR, which the City Planning Commission could grant if it requires the project sponsor to include increased retail space. The total trip generation would also change as shown in the comparison table below. Increased retail space would generate more trip rates than the proposed project (26 percent more daily person trips, 22 percent more P.M. peak trips, and 37 percent more P.M. vehicle trips). Table 10 on page 107 of the DEIR indicates the Level of Service (LOS) changes at four intersections near the project. These LOS would not change due to the additional retail trips.



## Summary of Comments and Responses

	<u>Person Trip Rates</u>				<u>PM Peak</u>
	<u>Daily</u>	<u>PM Peak</u>	<u>Daily</u>	<u>PM Peak</u>	<u>Vehicle Trips</u>
PROJECT					
250 DU* (senior housing)	6.4/DU	0.77/DU	1,600	193	58
1.75 KSF** Retail	150/KSF	15/KSF	<u>263</u>	<u>26</u>	<u>15</u>
			1,863	219	73
ALTERNATIVE					
250 DU (senior housing)	6.4/DU	0.77/DU	1,600	193	58
5 KSF Retail	150/KSF	15/KSF	<u>750</u>	<u>75</u>	<u>42</u>
			2,350	268	100
			+487	+49	+27
			+26 %	+22 %	+37 %

\*DU = Dwelling unit

**\*\*KSF = 1,000 square feet**







